

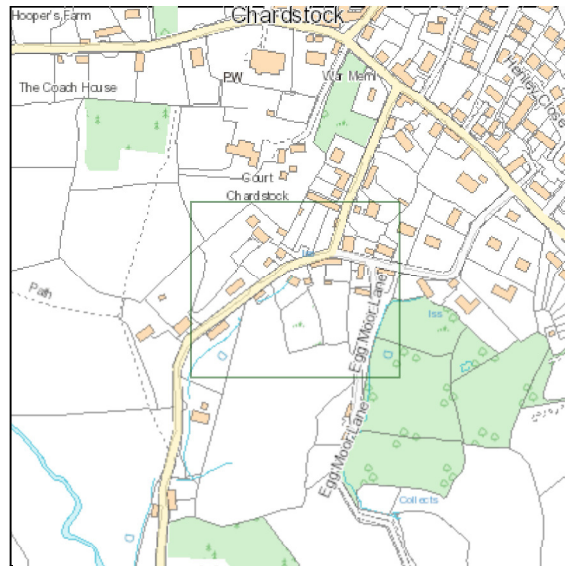
Ward Yarty

Reference 20/0375/FUL

Applicant Mrs Gill Kearn

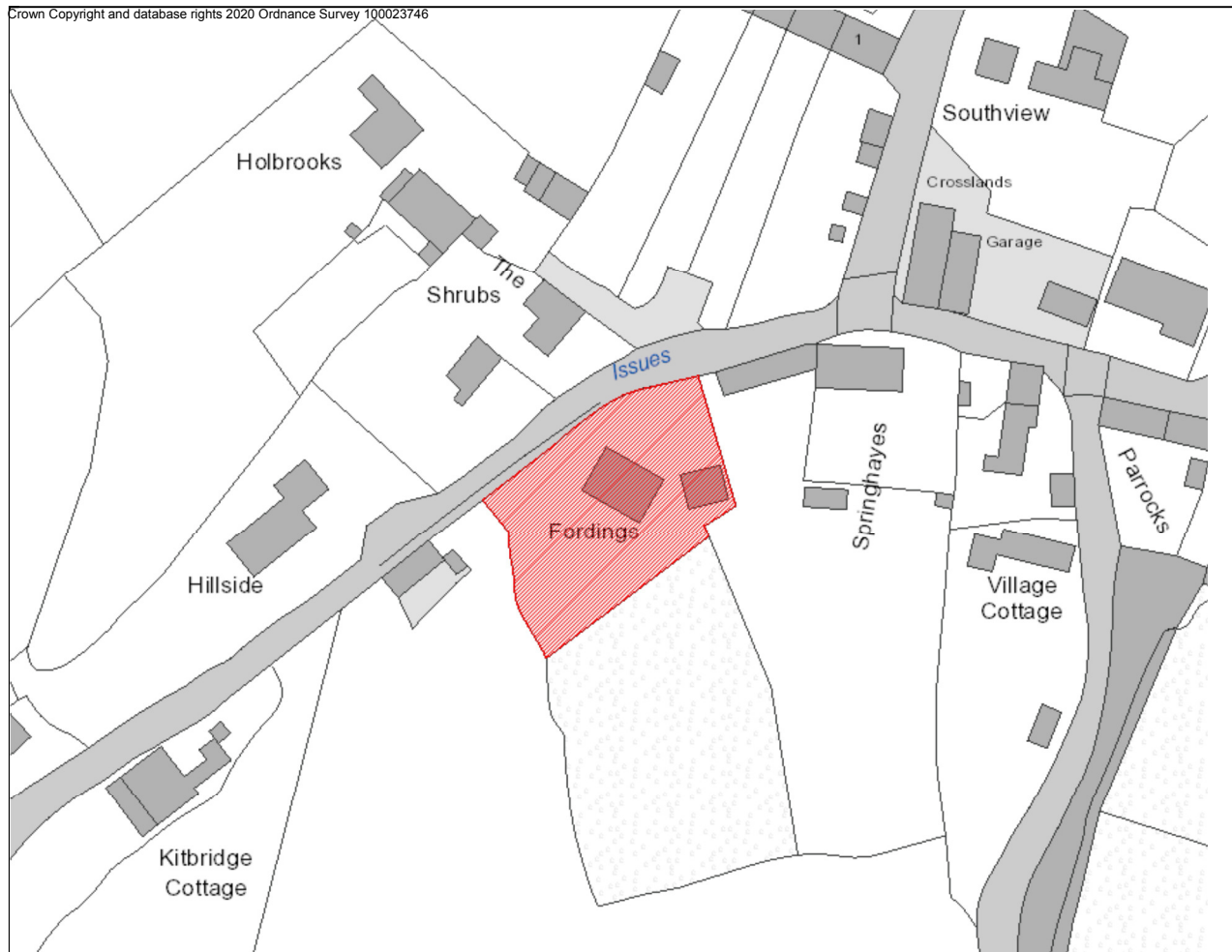
Location Fordings Chardstock Axminster
EX13 7BW

Proposal Construction of pitch roof and
dormer window to existing garage
for the conversion and provision of
ancillary living accommodation.



RECOMMENDATION: Approval with conditions

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		Committee Date: 4th November 2020
Yarty (Chardstock)	20/0375/FUL	Target Date: 12.06.2020
Applicant:	Mrs Gill Keam	
Location:	Fordings Chardstock	
Proposal:	Construction of pitch roof and dormer window to existing garage for the conversion and provision of ancillary living accommodation.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application has been referred to Committee following a Chairman's Delegation meeting so that Members can consider the impacts from the ancillary accommodation on the area.

The application proposes the conversion and upward extension of an existing garage to form ancillary living accommodation. The application does not propose a separate dwelling and if consent were granted, planning permission would be required for the building to be used as a dwelling independent of the Fordings.

The site lies with the AONB, adjoins the Conservation Area and is adjacent to two listed buildings.

The applicant is not required to demonstrate a need for the extension or to justify its size (although they have advised it is to enable the applicant to care for an elderly parent), and it is for Members to consider the physical and visual impact from the extension that represents additional living accommodation for the main house, albeit in a detached form.

The main impacts are from the addition of the roof, dormer window and changes to the appearance of the garage. With regard to these, the impacts are considered to be acceptable given the limited height of the roof extension, position of the dormer window, poor appearance at present of the garage with a flat roof, existing boundary treatment and position of the garage set back from the road that results in an acceptable visual impact upon the Conservation Area and AONB.

The application has been amended since its submission to remove a rear store that would have impacted upon a tree to the rear of the site, and included some

changes to the design of the building through the introduction of timber cladding to break up the bulk of the building.

In light of the lack of harm to neighbouring amenity, the acceptable visual impact, and subject to a condition to ensure that the use remains ancillary to the main house such that it cannot be used as a separate dwelling, the application is considered to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Clerk To Chardstock Parish Council

Council does NOT support this application as it believes it represents significant over-development in this part of the parish, being immediately adjacent to both the Chardstock Conservation area and the nearby listed buildings.

The proposal for a new detached dwelling is contrary to both the EDDC Local Plan and the Chardstock Neighbourhood Plan.

The application should not, in Council's view, have been validated as the following reports are omitted;

Design and Access Statement

Tree / Habitat Report

Foul sewage and waste treatment report

Parking and Access Report

Council also wishes to urge the Local Planning Authority to commence the review of the existing Local Plan as a matter of extreme urgency so that policy pertaining to annexes and "ancillary living accommodation" can be formulated and agreed upon.

Further comments:

The Parish Council met to consider the amended plans at their Extraordinary meeting held 29th September and resolved to reiterate their objection to this application on the grounds that it does not accord to the Chardstock Neighbourhood Plan, that it represents overdevelopment on the site and that there is not sufficient detail in the submission documents to clearly indicate the proposed future intended use. Council notes that the EDDC planning system refers to "ancillary living accommodation" but it can find no reference to this statement of fact in the applicants submitted plans and documents. Council believes that approval of this application would create a new, self-contained, dwelling within the parish, which would be contrary to the designation of "unsustainable" that applies to the parish as a whole, as per the adopted EDDC Local Plan. Council does also wish to support the comments made by the Conservation Officer (dated 19/6/20) in relation to the proposed design, scale and building height and its relationship with the buildings nearby.

Yarty - Cllr Paul Hayward

In line with the views of the Parish Council, I am unable to support this application (as amended) as it does not appear to accord with both the Local Plan and the Chardstock

Neighbourhood Plan. The proposals seem to create a new, entirely self-contained, new 2-bedroom dwelling, with limited parking facilities, in a parish designated as unsustainable. The description of the proposal as "ancillary living accommodation" is not clarified or supported by applicants submissions and thus this inference can not be drawn.

Technical Consultations

EDDC Trees

There is a significant early mature Copper Beech growing at approximately 7.0m from the SW corner of the existing garage. It is reasonable to conclude that the proposed shed extension to the rear of the garage has the potential to compromise the Root Protection Area (RPA) of this tree. This issue can be addressed by the use of helical pile foundations supporting a suspended ring beam and cast concrete floor.

In the absence of any tree survey and report, if the application is to be approved we will need make conditions requiring the following:

1. The construction details for the foundations of the shed extension, these should demonstrate how the design avoids damage to the roots of the retained tree;
2. The protection of the RPA during the construction of the development to include a Tree Protection Plan (TPP)
3. The submission of an Arboricultural Method Statement (AMS) to cover the implementation, monitoring and recording of the above.

Conservation

The information provided is minimal in support of the proposed design and specifically its impact on the setting of heritage assets i.e. 2 listed buildings and bordering the Conservation Area.

There is no information regarding the proposed materials other than a very brief reference in the application form: "to match" although this may only be regarding the render on the walls.

There may well be scope for change, however, this proposal does not make an informed response to the context and topography of the site. The existing garage is measured as 2.9m and the proposed ridge height increases significantly by 2.4m. It is this excessive increase in height that it is considered this will have a negative impact in the setting of the heritage assets.

The proposed drawings could be more descriptive using best practice compass settings rather than front, right, left etc on the elevations.

The design in general is of little merit and does not reflect a contemporary response to the local vernacular.

Suggested mitigation is to reduce the ridge height to close to the existing, use sympathetic materials that reflect the vernacular and an enhanced design to celebrate this new layer of history for this rural area.

Recommendation - unacceptable.

Further comments:

Addendum to initial comments made, it is disappointing that the proposed material for the windows and doors is Upvc. It is assumed that the timber cladding is not manmade. The removal of the shed is a positive amendment to this revised design.

Other Representations

Two neighbour letters of objection have been received raising the following concerns:

- Inaccuracy of plans;
- Inadequate space for the shed;
- Inadequate turning and parking;
- Impact upon tree top rear of the site;
- Lack of information on the proposal;
- In AONB, near to Listed Buildings and at edge of Conservation Area;
- Design not in character;
- Contrary to Local Plan policy;
- Proposal is for a detached house;
- Property already extended;
- Contrary to Neighbourhood plan;
- Disturbance from additional cars;
- Not a suitable location for a new house.

PLANNING HISTORY

06/2413/FUL – Single-storey side extension that created a ground floor family room.
Approved 20th November 2020.

POLICIES

Adopted East Devon Local Plan (2013 – 2031)

Strategy 7: Development in the Countryside
Strategy 46: Landscape Conservation and Enhancement and AONBs
Policy D1: Design and Local Distinctiveness
Policy D3: Trees and Development Sites
Policy EN9: Development Affecting a Designated Heritage Asset
Policy EN10: Conservation Areas
Policy TC2: Accessibility of New Development
Policy TC7: Adequacy of Road Network and Site Access

Chardstock Neighbourhood Plan

CPNP 01 – Sustainable Development
CPNP 02 – Protecting Conservation Area and other heritage assets
CPNP 03 – Protecting the built environment
CPNP 04 – Protecting and enhancing the natural environment

National Planning Policies

National Planning Policy Framework

Site Location and Description

The application site comprises a two-storey detached dwelling and detached double garage at the edge of Chardstock.

The dwelling and garage are finished in render with tiled roofs.

The site is adjoined by a hedge to its eastern boundary with the adjoining property with a driveway to the front of the garage capable of accommodating 4 cars and accessing directly onto the road which is a narrow lane.

The site falls outside of, but adjoins at the north-east corner of the site, the boundary of the Chardstock Conservation Area. It is also relevant to note that the property to the east (Springhayes) and property opposite (The Shrubs) are Grade II Listed Buildings.

The site falls within the Blackdown Hills Area of Outstanding Natural Beauty.

Proposal

The application proposes an upward extension to the existing garage though the introduction of a pitched-roof and single dormer facing the host dwelling. Boundary hedges and the tree to the rear remain unaffected by the proposal.

The Agent has stated that the accommodation is required to enable the applicant (who is about to retire from the Royal Navy) to assist in the care of his parent.

For clarity in response to the comments received on the application, it is for the provision of ancillary accommodation to the main house. The application is not seeking, and would not benefit from, permission for a separate independent dwelling should this planning application be granted. Whilst the internal layout of the building may enable independent occupation, a further planning application and permission would be required to enable this to happen.

The application is therefore seeking accommodation that is ancillary to the Fordings and should planning permission be granted this would mean that any use would have to be reliant upon the main house and be used as if the accommodation were part of Fordings. Whilst this is inherent in the permission being applied for and included within the Description of Development, it can be further ensured and controlled through the imposition of a condition clarifying that the accommodation can only be used ancillary to Fordings.

Since the initial submission of the application, it has been amended as follows:

- Removal of the rear shed due to insufficient space and conflict with the tree to the rear;
- Addition of timber cladding to the front elevation and dormer walls;
- The Agent has also confirmed the retention of the existing lower plinth to the building that matches the main house.

There are no changes proposed to the parking/turning area to the front of the site although obviously the proposal results in the loss of the parking spaces within the garage. There would remain space for 4 cars on the driveway.

ANALYSIS

The main issues for consideration of the application are the principle of development, visual impact (including the impact upon the AONB, Conservation Area and upon the setting of the listed buildings), impact upon the amenity of surrounding residents and highway safety.

Principle

The application is for an extension to the dwelling and such extensions are acceptable in principle across the district. Given that local plan and neighbourhood plan policies would not support new build residential dwellings in this location, as mentioned above a condition can be imposed for clarity and to ensure that the extension is not used as a separate dwelling and is only used as accommodation ancillary to Fordings.

Visual Impact

The site is within the AONB, at the edge (but outside) of the Conservation Area and close to two listed buildings. The application has been amended since its original submission to provide cladding to the building to provide an improved appearance and visual impact.

With regard to the AONB, there is no objection to extensions to properties where they are of a suitable design and do not harm the landscape character of the area. As the character of the immediate area is of residential plots, and given the fairly bland flat-roofed nature of the existing garage, it is considered that the proposal will conserve and enhance the quality and local distinctiveness of the landscape character of this part of the AONB in accordance with Strategy 46 of the Local Plan and Policy CPNP 03 of the Neighbourhood Plan.

Turning to the Conservation Area, again, the introduction of the roof, the fact that the garage is set back from the road and partly screened by landscaping, ensures that the proposal will preserve the character and appearance of the area. It is noted that the Conservation Officer acknowledges the amendments. With regard to materials, a condition can be imposed to ensure that timber cladding is used and whilst Upvc windows could be justified in the Conservation Area, they could not be justified in this location outside of the Conservation Area where the main dwelling benefits from plastic windows. It is therefore considered that the proposal will conserve the character and appearance of the adjoining Conservation Area in accordance with Policy EN10 of the Local Plan and Policy CPNP 02 of the Neighbourhood Plan.

With regard to the setting of nearby listed buildings, the site does not fall within the setting of either building and it is not considered that the addition of a roof to the existing garage, partly screened by existing landscaping, would harm the setting or

significance of the listed buildings. As such the proposal complies with Policy EN9 of the Local Plan and Policy CPNP 02 of the Neighbourhood Plan.

Whilst it is recognised that policies in the Neighbourhood Plan seek to protect heritage assets, the requirement in the relevant Neighbourhood Plan and Local Plan policies are that proposals should conserve or enhance the character and appearance of the Conservation Area. In light of the improved design and appearance to the building, its position set back from the road, design of the host dwelling and boundary treatment, it is considered that the proposal conserves the character and appearance of the area in accordance with policy and that a refusal of planning permission on the basis of design would be very difficult to justify.

Finally, comments have been made during the course of the application that the visual impact from the proposal could be improved through the conversion of the existing garage building without its upward extension. It has also been raised that there is no need for the upward extension to care for a relative. Whilst these points are noted, there is no requirement for the applicant to justify a need for an extension. The application has to be considered on the basis of the impact from what has been submitted and proposed. It is not for the planning system to establish a need for this proposal.

In light of the above, it is considered that the visual impact from the proposal is acceptable.

Impact upon amenity

In light of the main changes to the building being the installation of a roof that pitches away from the neighbour and is to a single-storey building, the presence of existing boundary treatment, and location of the dormer window facing the host dwelling, this will ensure that there will be no harmful impact upon the amenity of surrounding properties.

Highway safety

Whilst the proposal will result in the loss of parking currently available within the garage, the dwelling will retain space for the parking of cars on its drive. Whilst 4 cars could be parked on the drive, the Local Plan requirement would be for two space for Fordings. As such there would remain sufficient parking to serve the dwelling.

There is no planning justification for a revised access to serve the dwelling or for cars to be able to enter and leave the site in a forward gear. The application is proposing additional floorspace for the main dwelling and whilst the applicant has advised that the accommodation would be occupied by an elderly relative, as there is nothing stopping that relative from living in the main property, there is no justification for any change to parking numbers or to the access.

Other matters

During the course of the application it has been raised that the proposal will introduce more occupiers to the dwelling and as a result have a greater impact. However, there

is no restriction on the number of family members that can live in a dwelling and any impact would be the same regardless of whether the occupier lives in the main house (without needing permission) or within this new ancillary accommodation. As there is no limit on the number of family members that live in the dwelling, it would be difficult to argue that the proposal unreasonable places a disproportionate demand on local services or families contrary to Neighbourhood Plan Policy CPNP01. With regard to this policy, there is a requirement for development to facilitate a high levels of energy and resource efficiency. This will be achieved through a design that meets Building Regulations requirements and it would be unreasonable on such a small scale proposal to insist upon further measures.

Concerns have been raised regarding the fact that the ancillary accommodation proposes two bedrooms and an upstairs when adequate accommodation for one person would be available on the ground floor. Whilst this may be the case, the application needs to be considered on the basis of its impact and no harm can be identified from the upward extension. The application is in effect proposing an extension to the house and as long as the impact is acceptable, the number of bedrooms and whether they are within a separate building or an extension to the main house are not relevant.

The Parish Council have raised a question regarding whether adequate information has been submitted to validate the application. On the basis that the application is in effect for a house extension, adequate information has been submitted and a Design and Access Statement was not required.

The Parish Council have also stated that they believe that the proposal represents overdevelopment of the site. Again, if a separate dwelling were proposed then this may be arguable as the dwelling would not benefit from any usable amenity space and would be out of character with the form of local development that is characterised by larger dwellings in larger plots. However, the application is for a house extension and there would remain adequate amenity and parking space on the plot with the building retaining its appearance as part of the single dwelling.

Finally, the Parish Council state that the situation with regard to ancillary accommodation and annexe should be reviewed as part of the review of the Local Plan. This can be carried out if Members wish and a specific policy may be able to restrict the sizes and layout of ancillary/annexes and detail when they would be appropriate.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Fordings and shall at no time be occupied as a residential unit independent of the Fordings.
(Reason - The building is unsuitable for independent residential occupation due to its relationship with adjacent dwellings and/or it is an unsustainable location where a separate unit of accommodation would not be adequately served by a range of services and facilities such that it would not comply with the requirements of Policy D1 - Design and Local Distinctiveness, Strategy 3 - Sustainable Development and Strategy 7 - Development in the Countryside of the Adopted East Devon Local Plan 2013-2031.)
4. The cladding to building elevations hereby approved shall be timber.
(Reason: In the interests of the visual amenity of the area and given the location of the site within the AONB and adjoining the Conservation Area in accordance with Strategy 46 - Landscape Conservation and Enhancement of AONBs, and Policies D1 - Design and Local Distinctiveness and EN10 Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

Existing Block	Block Plan	11.09.20
Proposed Block	Proposed Block Plan	11.09.20
Amended	Proposed Combined Plans	11.09.20

List of Background Papers

Application file, consultations and policy documents referred to in the report.