

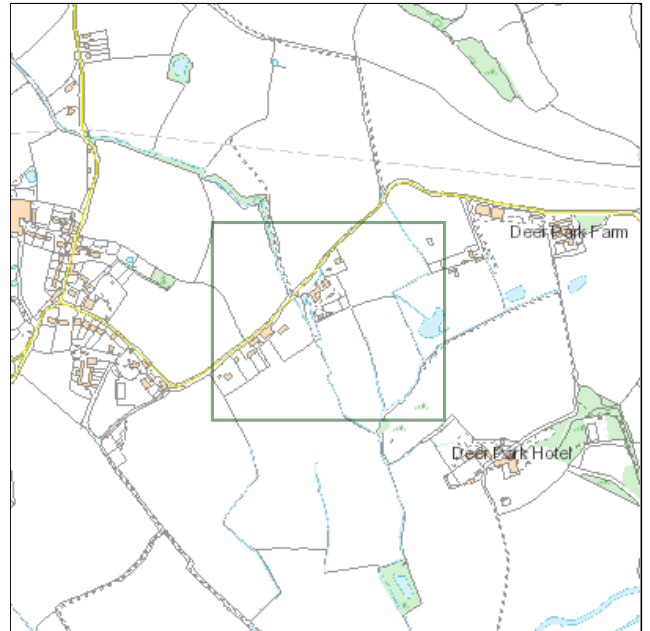
Ward Feniton

Reference 20/1808/FUL

Applicant Mr and Mrs Goodall

Location Owl Cottage Treaslake Farm Buckerell Honiton
EX14 3EP

Proposal New driveway, construction of single and two storey extensions to dwelling and enlargement of parking area and garden



RECOMMENDATION: Approval with conditions



		Committee Date: 17th March 2021
Feniton (Buckerell)	20/1808/FUL	Target Date: 22.10.2020
Applicant:	Mr and Mrs Goodall	
Location:	Owl Cottage Treaslake Farm	
Proposal:	New driveway, construction of single and two storey extensions to dwelling and enlargement of parking area and garden	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Committee because the recommendation is contrary to the view of the Ward Member.

Following approval for the removal of a holiday tie from a building within the grounds of Treaslake Farm, permission is now sought to enlarge the building and create a separate access and curtilage.

The main issue to consider is the effect of the development on the setting of Treaslake Farm, which is listed grade 2. In response to comments from the Conservation Officer and Planning Team a number of changes have been made to the proposal but owing to the creation of a new access, substantial enlargement of the building and division of the curtilage there is a residual degree of harm to the setting of the listed building. While no individual aspect of the proposal could be considered harmful on its own, cumulatively they result in a degree of change to the setting which is considered to result in less than substantial harm.

Such harm must be given considerable importance and weight in the overall balance and there must be clear and convincing public benefits to outweigh the harm. In this case the benefits would be mainly private but there would be some public benefits: economic activity during construction; addition of a good quality dwelling to the housing stock that would otherwise be underused; and upgrading of the environmental credentials of the building. Because the proposal is only for one dwelling these public benefits are modest but so, too, is the degree of harm to the setting of the listed building.

In conclusion, and having regard to all other factors, the small degree of harm to the setting of Treaslake Farm would be outweighed by the public benefits arising from the development and therefore the proposal is supported.

CONSULTATIONS

Local Consultations

Feniton - Cllr Susie Bond

My comments relate to 20/1808/FUL and 20/1807/VAR which need to be considered together.

My preliminary view on these applications is that they should be REFUSED.

East Devon has a considerable number of holiday lets which under any other guise would be considered to be development in the open countryside contrary to Strategy 7 of the current Local Plan. The Council must be consistent in its approach to applications seeking to remove the holiday let restriction.

I have looked at planning applications relating to Treaslake and am unable to find one relating to the subdivision of the main property to create a new holiday let.

However, these are my preliminary views and I look forward to the debate should this application come to committee.

Parish/Town Council

19/09/2020 - Buckerell Parish Council has discussed this application and has no objection (with the proviso that during the construction phase lorries do not block the highway).

23/11/2020 - Buckerell Parish Council has reviewed the proposed revisions to the application and continues to have no objection.

14/01/2021 - Buckerell Parish Council has reviewed the proposed revisions to the application and continues to have no objection.

Other Representations

None received.

Technical Consultations

EDDC Trees

The Arboricultural Report submitted with the application identifies a number of trees within the application site and has categorised them according to the BS 5837:2012. Report and associated survey and categorisation appears to be a fair assessment of the trees and the potential for the development to impact on them. A number of lesser quality trees are recommended for removal either on grounds of poor condition or to facilitate the access requirements of the development. None of these trees are of sufficient quality to be considered as a valid constraint on the development.

The report includes the necessary Tree Protection Plan (TPP) along with associated measures and Arboricultural Method Statements (AMS) to ensure that any potential damage through construction activities is avoided.

On the basis that the TPP and AMS are fully implemented and adhered to, there are no arboricultural reasons for the application not to be approved.

Conservation

CONSULTATION REPLY TO PLANNING CENTRAL TEAM PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Owl Cottage, Treaslake Farm, Buckerell

GRADE: II APPLICATION NO: 20/1808/FUL

PROPOSAL: New driveway, construction of single and two storey extensions to dwelling and enlargement of parking area and garden

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Treaslake Farmhouse and the associated former barn have primarily architectural and historic interest for their historic construction and modest scale - the single-range T-plan form which shows incremental development over a period of centuries, and the use of traditional materials - roughly dressed stone with timber framed thatched roof and timber work mullions and casements.

The overall setting of the listed building has already been compromised over the last century with a number of new outbuildings constructed across the site together with the introduction of large areas of hard landscaping.

Owl Cottage, is set far back into the farm group and to the south of the farmhouse and is modern and of no historic or architectural value in its own right. It comprises two storeys with accommodation at first floor and garaging under. It is simple in form with rendered elevations and slate roof including 3no. rooflights facing the farmhouse and shallow dormers to the south. There is a staircase access to the upper floor at the eastern end. Whilst Owl Cottage is a modern structure and in need of updating its existing form and appearance have little impact on the setting of the farmhouse when viewing the two in context due to the location and the surrounding mature landscaping to the west and at the entrance to the farm group.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

Treaslake Farm operates as a successful holiday letting business with 7no. holiday lets alongside the principal dwelling which is currently occupied as a permanent residential use. This application relates to Owl Cottage and seeks to alter and extend it to provide unrestricted residential accommodation. In addition, it is intended to create a new driveway, parking area and amenity space.

Owl Cottage is already a relatively large structure with 4no. garages underneath the first floor accommodation. This application will extend the structure in height, length and width, making it more prominent in the landscape and less subservient in the farm group. In addition, what is currently relatively plain will be distinctly more domestic in appearance. Whilst, it is appreciated that both existing and proposed landscaping and

the distance between the cottage and the principal heritage asset will minimise the impact on the farmhouse itself, it is considered that there will be some change to the overall context of the site. What is currently a relatively low key outbuilding, in terms of appearance, becomes a more domestic styled dominant structure losing its subservience in the hierarchy of the farm group.

It is also proposed to introduce a new separate vehicular access route to Owl Cottage, which might lead to it being separated from the main farmhouse and group in the future. It is considered that this will also have some impact on the existing heritage asset by increasing the areas of hard landscaping. It also seems to be outside the original historic courtyard bounded by the stream.

It is appreciated that the alterations and extension of Owl Cottage create a 'high quality design and landscape plan', but there are concerns that although likely to result in less than substantial harm, that this alters the hierarchy and subservience of the outbuildings and has an impact on the wider setting of the farmhouse. It is noted that it is proposed to introduce additional planting, hedgerow and Devon bank, but this does not appear to mitigate the harm sufficiently.

In conclusion, whilst the proposal will result in less than substantial harm to the significance of the farmhouse itself, there is some further harm to the overall context and setting of the listed building.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Further comments:

Amended plans received 17th November 2020:

The submitted revised plans and response seek to overcome the comments previously raised:

Alterations & Extension: the reduction in height, albeit modest, will help to mitigate the proposals;

Vehicular access route: the proposed changes will help to mitigate the introduction of the separate access using a more appropriate surface and the proposed new hedge;

Conclusion: it is considered that the visual and material changes will help sufficiently to mitigate the proposals, having less impact on the wider setting of the listed farmhouse and result in less than substantial harm. No further comments.

Further comments:

Amended plans received 4th January 2021:

The submitted revised plans and response seek to overcome the comments previously raised:

Alterations & Extension: the increase in the area of domestic curtilage, additional screening, including the existing shed; the reduction in size and the addition of shutter style screening to the high level windows; and the proposed materials will improve the visual appearance of the proposals and help to mitigate the proposals;

Parking: the parking for the existing holiday units has been re-located in front of Owl Cottage and the visual appearance of the surfacing softened by using grasscrete and minimising the extent of the tarmac. This additional separation will help to improve the setting of the listed building;

Vehicular access route: the additional information regarding the re-instatement of an older driveway is noted and the historic OS maps certainly show a track in this location. The single access point is retained and the use of a more appropriate surface and the proposed new hedge will help to soften any impact;

Conclusion: it is considered that the additional visual and material changes will help sufficiently to mitigate the proposals, having less impact on the wider setting of the listed farmhouse and result in less than substantial harm. No further comments.

PLANNING HISTORY

Reference	Description	Decision	Date
99/P0774	Adapt One Holiday Let Into Two Lets, convert Garage To Office & New Garage/store & Holiday Let	Approval with conditions	03.06.1999
20/1807/VAR	Variation of condition 3 of planning permission 99/P0774 (Adapt one holiday let into two lets, convert garage to office & new garage/store & holiday let) to allow Owl Cottage to be used as an unrestricted residential dwelling and to amend the holiday restriction on Squirrel Cottage and Mallard Cottage	Approval with conditions	12.02.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN9 (Development Affecting a Designated Heritage Asset)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

Treasure Lake Farm is located on the eastern fringe of Buckerell with open countryside to its north and south and neighbouring residential properties on both sides. The site has been developed over the years to include a number of holiday lets through conversion or new build. The host property is a grade II listed farmhouse with stone walls and a thatched roof and is where the applicants currently live. This application relates to one of the detached new-build properties, Owl Cottage, which is situated to the south of the main group of buildings.

In addition to Owl Cottage there are a further six cottages, all of which are currently let as holiday accommodation. Following the release of the holiday condition on Owl Cottage, only three out of the total of seven cottages are subject a planning condition restricting their use. The remainder could be occupied as independent dwellings, although the status of Badger Cottage is uncertain because neither planning permission nor listed building consent have been granted and no evidence has been provided that the use is lawful.

Owl Cottage is a detached two storey building which comprises four garages on the ground floor and two-bed self-contained accommodation on the first floor, accessed via an external staircase. The walls are rendered and the roof is slate covered.

There is a stream running through the grounds which gives rise to a risk of flooding at the western edge of the site.

Proposal

This application seeks planning permission for substantial alterations to a former holiday let in the grounds of Treasure Lake Farm and provision of an independent access from the road. Members will recall approving the removal of the holiday use condition at the Planning Committee on the 10th February 2021.

The building currently has four garages on the ground floor but this area would become the kitchen, dining room and entrance hall of the proposed dwelling. Extensions off the north east (in place of the external stairs), south east and south west elevations would

provide a snug, living room, utility and WC. Upstairs there would be four bedrooms facilitated by extending over the living room and utility/WC extensions. A small roof terrace would be provided for bedroom 1 above the living room. In addition to the horizontal enlargement, the height of the building would be increased at eaves and ridge level to avoid the sloping ceilings of the existing accommodation. Externally the current rendered walls would be clad in vertical timber boards and cork panels, while the roof would be finished in natural slate.

To access the dwelling a new driveway would be provided branching off the existing drive about 10 metres in from the road. This would follow the south west boundary of the site, running parallel with the stream and terminating at a parking and turning area. From there a pedestrian bridge would cross the stream to a path leading to the dwelling.

A curtilage for the dwelling would be defined by a hedgebank and fencing and would incorporate the existing parking area next to the garages and part of the adjacent paddock.

ANALYSIS

Main issue

The building, although not listed or curtilage listed itself, lies within the curtilage of a grade II listed building. While the extension of dwellings in the countryside is acceptable in principle, the effect of the proposed development, including the new driveway, on the setting of the listed building needs special consideration.

Setting of the listed building

The significance of the listed building is derived partly from its vernacular architecture which is evidence of its origins as a working farmhouse, and partly from its rural setting. The immediate setting of the building has been slightly compromised by modern additions but these are understood to have replaced earlier buildings. Owl Cottage, although it is another modern addition (permitted in 1999), sits outside the main group of buildings but nevertheless forms part of the backdrop to the farmhouse when viewed from the road.

When it comes to determining applications for development affecting the setting of a listed building, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The key test, therefore, is whether the proposed alterations would preserve the setting of the listed buildings.

The proposal involves quite substantial enlargement of the building and changes to its external appearance, including its plan form. Currently it is a simple, fairly small scale building in matching materials which is clearly subservient to the main group of buildings.

The proposal takes advantage of the physical separation between Owl Cottage and the farmhouse and seeks to make a deliberate break in terms of appearance and functional separation. A number of factors contribute towards this, some enhanced through negotiation:

- The first is the creation of a separate driveway (albeit shared for the first few metres) divided from the existing drive by a fence and new hedge planting. This follows the historic alignment of a track which is evidenced on old maps, although it now meanders slightly to break the view from the road and this visual break is further enhanced by new planting.
- The second is the creation of a clearly defined curtilage around Owl Cottage which creates a substantial new boundary between the retained curtilage of the farmhouse and the curtilage of the new dwelling.
- The third is a change to the wall finish from render, which matches the farmhouse, to timber boards and cork panels, evoking a more rustic appearance.
- The fourth is the limited number and size of openings in the north west elevation which helps to make the building appear recessive and of secondary importance.

These elements of the scheme would serve to create the appearance of a neighbouring dwelling which is visually and functionally separate from the farmhouse and its grounds.

Having regard to these characteristics of the development, the main question is whether the proposals would give rise to any harm to the setting of the listed building.

As a result of the proposed alterations the building would be visibly taller when viewed from the road but the change would not appear significant owing its distance from the road (70m) and the relative prominence of the larger farmhouse. Although the building would be longer, the additional length would be mostly screened by trees. Furthermore by extending the ridge to the south west, the existing visual gap between the farmhouse and the north east end of the building would be maintained.

The driveway would make a more obvious change when viewed from the road but this would be mitigated by new planting and a reinforced grass surface making it appear less visually dominant.

Taking these factors into account the overall magnitude of the change to public views towards the listed building would be minor. Moreover, the strong boundary dividing the plot from the retained curtilage of the farmhouse would establish a clear visual break without the development encroaching on the most important open spaces immediately around the farmhouse.

Notwithstanding these positive indications of separation between two plots, the proposal would result in a change to the historic layout of the site and the setting of the farmhouse. The importance of the spaces around the building can be considered in turn:

- In front of the farmhouse there is a formal garden fronted by a stone boundary wall and this creates an attractive setting to the principal elevation. This would be unchanged.
- Moving to the side, the new driveway would narrow the space between the end of the farm house and its boundary but the verdant character and absence of buildings would be maintained. Consequently the driveway would not substantially intrude on the setting of the building.
- At the rear the change would be more significant because an area of land would be removed from the curtilage of the listed building. However, the farmhouse would still enjoy a spacious setting and historically the site of the garages and parking formed a separate enclosure to the enclosure around the farm buildings. Furthermore, although there would be some lessening of the connection between the farm and the farm land, this would not diminish the ability to 'read' the building as a former farmhouse owing to its vernacular architecture and rural setting.

Overall the proposed development would only have a minor effect of the setting of the listed building.

In spite of a number of changes to the scheme which address a lot of the Conservation Officer's comments, there is an element of harm which is identified in the first set of comments that remains unresolved in the second and third sets of comments. This is that the proposal, by virtue of the new access, enlargement of the building and division of the curtilage would result in some harm to the overall context of the site and hence the setting of the listed building. As described above, the overall harm would be minor and the Conservation Officer has concluded that this residual harm is less than substantial.

As set out above no single element of change would give rise to identifiable harm but cumulatively the changes would evolve the development of the site in a way which is not reflective of the traditional way in which a farm would develop. In this case that process began with decisions made in the 1980s and 1990s to allow new and replacement buildings, including the building now being considered. Consequently, with the existing buildings and site layout as the starting point, the degree of change, or harm, is considered to be at the lower end of 'less than substantial', if it were considered to be on a sliding scale.

Although the degree of harm is less than substantial it still carries considerable importance and weight in the balancing exercise. The NPPF advises that such harm should be weighed against the public benefits of the proposal and the reasons given should be clear and convincing.

The applicant would derive most benefit from the proposal but there would still be some public benefits. The building works would create a small input to the economy; the proposal would add a good quality dwelling to the housing stock when otherwise the building would be underused; and its renovation would improve the environmental credentials of the existing building. Given the scale of the development these benefits are only modest but so, too, is the degree of harm to the setting of the listed building. On balance the public benefits are considered to outweigh the harm in this case.

Other matters

The western part of the site is in flood zone 3 and this includes the land required for access and parking but not the site of the enlarged dwelling, which is in flood zone 1. Access and egress in the event of a flood are important considerations and on their own would be sufficient to justify refusing an application even where the dwelling itself is not at risk. In this instance, however, there is already an occupied building on the site which represents a fall-back. Moreover, the existing access is also at risk of flooding and therefore the proposal would not result in any increase in the level of risk to anyone occupying the building.

Application of the sequential test is not necessary in this case because the proposal is for householder development, which is classed as minor for the purposes of flood risk, and change of use. To assess the risk to the access and parking area a Flood Risk Assessment has been provided. This concludes that the risk of flooding from the ordinary watercourse (which is the main source of risk) is low to moderate. In respect of the driveway it recommends that the driveway should be permeable or discharge into the adjacent ordinary watercourse where possible. It also recommends that the occupants of the dwelling sign up to EA flood alerts which would allow them time to move their cars if they were considered to be at risk. These measures and some precautionary measures for the dwelling which are set out in the FRA can be secured by condition.

There are a number of trees around the entrance and along the western boundary. Three trees would be removed as part of the development but none are of sufficient quality to be considered as a valid constraint on the development. Subject to compliance with the submitted method statement and tree protection plan the impact on trees is acceptable. Details of new planting can be secured via a landscaping scheme.

The proposal includes a change of use of part of the adjacent field to garden. Although this is a large area of land the new boundary would be a continuation of the rear boundary line of four properties to the west of the site and therefore would not appear out of character with the area or disproportionate. Furthermore it would help to focus the outlook and activity away from the listed building. Details of the boundary treatment can be secured as part of a landscaping scheme.

Because the building is within the curtilage of a listed building it currently has few permitted development rights and the same is true of the surrounding land. In the interests of the ongoing protection of the setting of the listed building it is reasonable to remove permitted development rights for certain enlargements of the dwelling and development within the new curtilage.

CONCLUSION

The proposed alterations to the building and the landscaping of the site would result in a high quality development. While there would be a small degree of harm to the setting of Treaslake Farm, this would be balanced by the public benefits arising from the development and therefore it is concluded on balance that the proposal is acceptable.

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. Notwithstanding the approved plans, no development to construct the driveway and parking area hereby permitted shall take place until details of its construction and drainage have been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.
(Reason - To ensure that the design is compatible with the setting of Treaslake Farm and does not increase flood risk in accordance with Policies EN9 - Development Affecting a Designated Heritage Asset and EN22 - Surface Run-Off Implications of New Development of the East Devon Local Plan 2013-2031.)
4. Notwithstanding the approved plans, before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area and the setting of Treaslake Farm in accordance with Policies D1 - Design and Local Distinctiveness and EN9 - Development Affecting a Designated Heritage Asset of the East Devon Local Plan 2013-2031.)
5. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031.)

6. Development shall be carried out in accordance with the recommendations of the Flood Risk Assessment prepared by Ashfield Solutions Group (reference 115820-F01 dated 02/07/2020).

(Reason - To ensure that the risks of flooding are appropriately mitigated in accordance with Policy EN21 - River and Coastal Flooding of the East Devon Local Plan 2013-2031.)

7. Development shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan prepared by Advanced Arboriculture dated 1 July 2020.

(Reason - In the interests of the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the East Devon Local Plan 2013-2031.)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the north west elevation of the building.

(Reason - To protect the setting of Treaslake Farm in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the East Devon Local Plan 2013-2031.)

9. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, AA, B and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the building shall not be enlarged by enlargement of the roof or by construction of an extension beyond any wall forming part of the north west or north east elevations of the building without the prior express consent of the Local Planning Authority.

(Reason - To protect the setting of Treaslake Farm in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the East Devon Local Plan 2013-2031.)

10. Notwithstanding the provisions of Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development of a type described in Class E shall be carried out forward of the north west or north east elevations of the dwellinghouse without the prior express consent of the Local Planning Authority.

(Reason - To protect the setting of Treaslake Farm in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the 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.

Informative:

In condition 10 'forward of' has the same meaning as in E.1 (c) of Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as explained in the Permitted Development Rights for Householders Technical Guidance, MHCLG September 2019.

Plans relating to this application:

1925-02 B	Proposed Floor Plans	23.12.20
1925-01 B	Proposed Site Plan	23.12.20
1925-03 B	Proposed Elevation	23.12.20
1925-SLP A	Location Plan	23.12.20

List of Background Papers

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