

# Planning Committee Report – 21/1119/FUL

<b>1.0 Application Number:</b>	21/1119/FUL
<b>Applicant:</b>	Mr Paul Humphries
<b>Proposal:</b>	Proposed extension and alterations
<b>Site Address:</b>	The Mews, Bowling Green Road, Riversmeet, Topsham, Exeter
<b>Registration Date:</b>	20 <sup>th</sup> July 2020
<b>Link to Application:</b>	<a href="https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=QWADKPHBGV500">https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=QWADKPHBGV500</a>
<b>Ward Members:</b>	Cllr Leadbetter, Cllr Newby, Cllr Sparkes [Topsham]

REASON APPLICATION IS GOING TO COMMITTEE:  
Referral from Delegation Briefing

## 2.0 Summary of Recommendation:

GRANT subject to conditions

## 3.0 Reason for the recommendation:

It is consistent with national and local planning policy and supplementary guidance.

There is little impact on the character of the Topsham Conservation Area, and any effect is positive.

There is some impact on the amenity of the occupiers of the neighbouring property. However, this is appropriately mitigated as part of the development and is not considered to be sufficiently adverse as to justify the refusal of the application.

## 4.0 Key planning issues

- Principle of development
- Scale, design, impact on character and appearance
- Impact on amenity
- Impact on landscape or heritage assets
- Personal considerations

## 5.0 Description of Site

Bowling Green Road is a lane on the outskirts of Topsham, which leads down to the shoreline at Topsham at the confluence of the Rivers Exe and Clyst. The Bowling Green Marshes RSPB site is located north of the application site, and the Grade II listed Goat Walk, a raised footpath running along the estuary to the west. The site is located in the Topsham Conservation Area, in the Goat Walk sub-area. The Conservation Area Appraisal notes the sense of enclosure provided by the curve of the stone boundary wall running along this area of Bowling Green Road, comprised partly by the front walls of The Mews and the Coach House.

The Mews is a period house set in a large plot that extends down to the water's edge. It is an L-shaped dwelling; a double length garage extends along the boundary with the Coach House and beyond the rear elevation of The Mews itself. There is a bedroom above the garage at the first-floor level. The roof height of this is dropped down from the main roof by approximately 0.5 metres. It is attached to the garage of the Coach House, and the frontage to Bowling Green Road presents as a continuous stone wall, inset with two garage doors, a front door and a few small windows.

The Coach House itself is set well back from the garage along the frontage and is separate from it. It is, in effect, set at right angles to the road and the Mews. Its main outlook is to the south-east. A small courtyard is located behind the garage of the Coach House, and in front of the main house, i.e. the house and garage are separate.

The Mews is not listed but is adjacent to Riversmeet House, which is a Grade II Listed Building, and the wall of Riversmeet House, which is also Grade II Listed. This includes the roadside wall of The Coach House's garage, which is also Grade II listed.

There are few other houses in the immediate vicinity.

## 6.0 Description of Development

Amended plans have been received on 27/08/21 and 30/09/21 - These show:

- A large rear extension, located inside the inner wall of the garage. This is to project 10 metres approximately into the garden and 4 metres beyond the rear elevation of the garage. It is to be 7 metres in width. There are to be a series of glazed doors on the south-east elevation of this opening onto a courtyard, powder-coated aluminium windows in the rear elevation, and a roof lantern of the same material in the extension's roof. A roof light is to be inserted into the garage roof and aluminium doors into the rear elevation. A sedum roof is proposed to this element.

- The roofline above the garage is to be raised to bring it in line with the main roofline of the house, so this will run at one continuous level. A window previously shown in the rear elevation has been moved further away from the boundary with the Coach House. An email received from the agent on 30/9/21 points out that there are already two existing windows in this location, one of which is much closer to the boundary than the current proposed window.
- Solar panels and a conservation rooflight are to be inserted in the rear roof slope
- On the front elevation, small new windows are to be inserted into the roof and the first floor elevations. Timber cladding is to replace tile hanging at the first-floor level.
- Other relatively minor updates and refurbishments are to be carried out.

## **7.0 Supporting information provided by the applicant**

Plans, elevations, 3D photo montages, Planning Statement.

## **8.0 Relevant Planning History**

None

## **9.0 List of Constraints**

Topsham Conservation Area  
Flood Risk (Sea) Area

## **10.0 Consultations**

All consultee responses can be viewed in full on the Council's website.

**Environmental Health officer:** Advises hours of construction condition

**Heritage officer:** No comments

## **11.0 Representations**

Two objections were received from the same neighbour raising the following concerns:

- The proposed garage extension (this element has now been withdrawn, so this part of the objection is resolved).

The rest of the concerns may be summarised as follows:

- Concern about the proposed raising of the first-floor section above the garage to align with the rest of the mews' roof height. The plans appear to be inaccurate or misleading - the new first floor partially overhanging our roof and land (note – accurate plans have now been submitted).
- The proposed substantial elevation (the raised roof) will constitute an even larger structure both in reality and in effect at the back where it will overlook The Coach House's courtyard and front door entrance area, have a dominant position over The Coach House building and courtyard, with consequent loss of privacy to a main recreational sitting area and the main entrance to the house.
- The proposed new rear bedroom window would be significantly higher than the current window and appears to overlook The Coach House courtyard and front door area fully
- Concern about potential damage to the existing join of the garage roof to the Coach House and the listed wall during the building process
- Provided the proposed garage extension is withdrawn, there is no objection to the proposed main living/dining extension to the main house.
- Concern about potential ambiguity over the boundary line and damage to the septic drainage system (Note: these are civil matters which should be addressed outside of the planning process).

A second objection has also been received (15/10/21), focusing mainly on the raising of the first-floor section of the garage:

- The raised roof would be dominant over the courtyard area of the Coach House, with consequent loss of privacy and daylight. This feeling of dominance would be accentuated due to the relative gradients of the roofs.
- The proposed new bedroom window (the position of which has been amended) will allow increased overlooking
- The process of raising the roof and merging it with the roof of the Coach House would damage the recently replaced roof of the Coach House.
- The front walls of both properties are listed, and there is concern about possible damage to this wall during the construction process.
- Concerns about the accurate positions of the relative boundary walls (see above).

## 12.0 Relevant Policies

### **Central Government Guidance National Planning Policy Framework (2019)**

12 Achieving well-designed places

### **Exeter Local Development Framework Core Strategy**

#### **Objective 9**

*'Create and reinforce local distinctiveness and raise the quality of urban living through excellence in design.'*

CP17 Design and local distinctiveness

### **Exeter Local Plan First Review 1995-2011**

DG1 Objectives of urban design

DG4 Residential amenity

C1 Development affecting Conservation Areas

C2 Development affecting listed buildings

### **Exeter City Council Supplementary Planning Document**

Householder Guide to Extension Design SPD

Topsham Conservation Area Appraisal

## 13.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary, with full text available via the Council's website.

It is acknowledged that there are some aspects of the scheme that may impact neighbouring amenities. However, any interference with the right to a private and family life and home arising from the scheme as a result of the impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the limited impact of the scheme in terms of amenity.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling land development. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **14.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must 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.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and person who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that is connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that is different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to remove any disadvantage fully, the Duty is to have “regard to” and remove OR minimise disadvantage. In considering the merits of this planning application, the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

## **15.0 Financial Issues**

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out, including their value if known and should include whether the officer considers these to be material or not material.

## **Material considerations**

None

## **Non-material considerations**

CIL contributions

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is not CIL liable.

## **16.0 Planning Assessment**

### Principle of development

The Householder's Guide to Extension Design SPD, adopted in 2008, amplifies Policy DG1 of the adopted Local Plan. This guidance seeks to raise the standard of proposals and provides 12 general design principles. Principles 2 (street scene) and 3 (natural light and outlook) are critical principles concerning this application. Provided development proposals comply with this guidance, then in principle, the application is acceptable.

Also, Policy C1 requires that proposals within a Conservation Area preserve or enhance the character or appearance of the Conservation Area. Proposals which respect this requirement are also in principle acceptable.

### Scale, design, impact on character and appearance

The proposed rear extension is large, extending as it would some 10 metres into the back garden of The Mews. However, this is a substantial, secluded plot, and the extension would be at some distance from the public realm and neighbours.

Moreover, it is well designed, of a contemporary style which, it is considered, complements the design of the original house.

### Impact on amenity

The primary consideration here is the potential impact on the amenity of the neighbour at The Mews.

In terms of the effect on neighbours, there is already an extension along the side adjacent to the neighbours to the north-west (the Coach House). Enlarging it would not adversely impact this neighbour; there is a sizeable gap left to the boundary. The Coach House is set well back from the Mews, and a high wall runs along the boundary.

This neighbour is however concerned about raising the roof height and inserting a larger window in the rear elevation at a distance of some 7-8 metres from a bedroom window in the Coach House. The applicant was asked to consider removing this element of the proposal from the application to address this concern but declined to do so. Instead the plans were revised to move the window further away from the boundary, thereby reducing any potential overlooking. There are two existing windows in this location (smaller than that proposed), and one of these is closer to the boundary than the current proposed window. The agent argues that any view from the proposed window is a glancing view (probably less than 45 degrees) and less direct than the view offered by the existing window. Consequently, the new location of the proposed window provides less inter-visibility into the neighbour's patio and bedroom than the status-quo.

The raised roof height may reduce the amount of daylight available to the terrace behind the garage of the Coach House by a small amount, but as the Mews is to the east of the Coach House this loss is marginal at worst. The potential overbearing impact of raising the roof height is considered acceptable in planning terms and not severe enough to justify a refusal.

#### Impact on landscape or heritage assets

The only elements of the proposal which would be visible from the Conservation Area are the alterations to the roof adjacent to the Coach House and amendments to the materials on the front elevations. These alterations would have a positive effect on the Conservation Area. The proposed rear extension would not be visible from the public domain of the Conservation Area as it is behind an existing garage, and the site is well screened by trees.

Concerning the effect on the listed wall that runs along the front of the Coach House, raising the roof at The Mews will involve tying into part of the wall. To prevent damage, a condition is suggested requiring a construction method statement detailing how this will be carried out, to be approved in writing before construction commences.

#### Economic benefits

Not applicable.

#### Access and parking

No alteration to present arrangements.

#### EIA

Not applicable.

### Personal considerations

The neighbour at the Coach House is elderly and is very concerned about the impact of the raised roof height referred to above on her enjoyment of her courtyard garden, which is immediately adjacent to this element of the proposal. Disappointment has also been expressed about the lack of information and discussion that has been forthcoming from the applicant.

Unfortunately, the personal circumstances of applicants, neighbours, consultees etc., are not matters that can be considered in the determination of a planning application. Also, while discussions and consultations are desirable, there is no legal requirement for this to happen. Therefore, neither of these elements should be taken into account in consideration of planning applications.

## **17.0 Conclusion**

**It is recommended that planning permission be granted** for the following reasons:

- It is in accordance with national and local planning policy and supplementary guidance.
- There is little impact on the character of the Topsham Conservation Area, and any identified effect is positive.
- The potential impact upon the amenity of the occupiers of the neighbouring property has been considered and given the limited impacts identified it is not judged to justify the refusal of the application.

## **18.0 RECOMMENDATION**

Grant permission subject to the following conditions:

1) The development to which this permission relates must be begun not later than the expiration of three years, starting with the date this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details – Plan numbers 21-867 S.01, A.02 Rev B, A.06 Rev. B dated 18/8/21 and A.03 Rev. C, A.04 Rev. C, A.05 Rev. C, and A.07 Rev. C dated 28/9/21

Reason: To ensure compliance with the approved drawings.

3) No site machinery or plant shall be operated, no process shall be carried out, and no demolition or construction-related deliveries received or dispatched from the site except between the hours of 8 am to 6 pm Monday to Friday, 8 am to 1 pm Saturday.

Reason: To protect the amenity of the locality, especially for people living or working nearby.

4) No development or construction activity shall be undertaken within the area(s) outlined on the attached plan until the means of protecting archaeological remains have been agreed in writing with the Local Planning Authority. All works shall be carried out and completed as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that significant archaeological remains are protected from damage during development.

Informative Notes:

1) Following paragraph 38 of the National Planning Policy Framework, the Council has worked positively and pro-actively and has imposed planning conditions to enable the grant of planning permission.

2) Following the Conservation of Habitats and Species Regulations 2017, this development has been screened regarding the need for an appropriate assessment.

3) The Party Wall Act 1996 contains requirements to serve notice on adjoining property owners if planning to do work of any kind described in Sections 1, 2, or 6 of the Act.