

OFFICER'S REPORT

Case Officer:	Lauren Hutton		
Parish:	Ringmore	Ward:	Charterlands
Application No:	3861/24/HHO		
Applicant:	Mr and Mrs Keith and Mary Bedborough Higher Manor Bungalow Ringmore Kingsbridge TQ7 4HJ	Agent:	Mr David Glassock David Glassock Architecture 38 New Meadow Ivybridge PL21 9PT
Site Address:	Higher Manor Ringmore TQ7 4HJ		
Development:	Householder application for alterations & extensions to dwelling & construction of new detached garage (part retrospective)		

Recommendation: Refusal

Reasons for refusal

1. The proposal by the virtue of increased scale, massing and visual prominence, together with large amounts of glazing, would cause harm to the tranquillity levels, dark skies, appearance and character of the National Landscape. The proposal is therefore contrary to the provisions of Section 85 of the Countryside and Rights of Way (CRoW) Act; paragraphs 135, 187, & 189 of the NPPF; policies DEV23, DEV24 and DEV25 of the JLP; policies RNP2 (2, 5), RNP13 (1,3,4) and RPN15 of the Ringmore Parish Neighbourhood Plan, and Lan/P1, Lan/P4 and Lan/P5 of the South Devon AONB Management Plan 2019-2024.
2. Insufficient information regarding the foul drainage solution has been proposed and the application therefore does not accord with the requirements of DEV25 (8) of the Joint Local Plan.

Key issues for consideration

Principle of Development; Design/Mass/Scale; Materials; Heritage; Landscape; Neighbour Amenity; Drainage

Site Description:

Higher Manor Bungalow is a large detached bungalow on the edge of the built form but within the settlement boundary of the village of Ringmore. The site sits with the South West Devon National Landscape and the Undeveloped Coast. The bungalow sits on an elevated position from the access road and all the parking for the dwelling is retained within the curtilage.

Due to its location outside of the sustainable settlements listed within the Plymouth and South West Devon Joint Local Plan (JLP) (paras. 5.8-5.11) the application site is assessed as being within the countryside when it comes to policy guidance.

The Proposal:

The proposal relates to the extension of the existing bungalow and a detached garage.

Consultations:

- **DCC Public Rights of Way:** **No response**
- **Drainage (Internal):** **No Objection (suggested conditions)**
- **Ringmore Parish Council:** **Object**

With regard to the garage, Councillors opinions were that removal of the dormer windows from the proposed garage to be replaced with very large Velux roof windows did not effectively reduce fenestration of the garage and still leaves a habitable space with a spurious designation as "office space"; easy to make into habitable space given that plumbing and electricity for domestic use will remain.

The house is larger than the existing house with a massing and amount of fenestration within the (AONB/National Landscape Partnership (AONB/NLP) with consequent unacceptable light pollution, immediately alongside the road, which is a bat corridor. The build would be in conflict with JLP, Heritage Coast and Undeveloped Coast Policies and also Neighbourhood Plan [Dev 20/23/24/25, TTV29.2, SPT1/2, NP RNP 2.1/2/5, RNP 13.1 8,11,40] in this regard.

Although there is very little change since previous applications were refused the roof tile colour has changed to grey and the roof has been lowered but still does not comply with the Neighbourhood Plan RNP 2.5; i.e. 'equivalent but not higher than on immediate neighbours' and would be overbearing and dominant to immediate neighbours and, being visible from the beach and footpaths within the AONB /NLP, would be detrimental to the visual amenity of the village.

With regard to the references made by the applicant to the planning permission granted in 2019, 1412/19/HHO Councillors submit they are not relevant since the 2019 permission is time expired and that since it was granted the Joint Local Plan and Ringmore Neighbourhood Plan have been "made" and the plans do not conform to their regulations vis Dev 20/23/24/25, TTV29.2, SPT1/2, NP RNP 2.1/2/5, RNP 13.18,11,40. The application must be considered with respect to policies in force for Ringmore today and not as they were in 2019.

For the above reasons Ringmore Parish Council objects strongly to the proposal.

- **DCC Highways:** **No Highways Implication**
- **Landscape Officer:** **Objection (see Internal Consultations)**

Representations:

Representations from Residents:

13 letters of objection and one letter of support and a letter of response from the applicant has been received within the lifetime of the application and cover the following points:

Objections

- Proposed roof height is significantly higher than existing
- Loss of amenity to neighbouring dwellings due to size and visual impact
- Visual detriment when viewed from Aymer Valley and several public footpaths looking back towards Ringmore
- Impact on protected views specified in RNP13.1 (views 8 & 11) of the Neighbourhood Plan
- Garage has plumbing and 3 x dormer windows
- Surface water run off / increase in impermeable surface calculations are inaccurate
- No proof soakaways designed to BRE DG365 standards
- Site Location Plan is inaccurate
- Space above garage could be used as an independent dwelling
- Amount of glazing unacceptable and increases light spill and pollution into protected landscape
- Application does not include foul waste from garage
- Massive overdevelopment of a prominent site in the Undeveloped Coast
- Harm to the South Devon National Landscape
- The hut which was erected in 2022 has not been included in the proposed plans
- Garage location has changed since 2019 approval
- Impact on and disruption to bats
- Ridge of roof will stand above the ridgeline of the escarpment

- Design is bland and unsympathetic and not “truly outstanding”
- Garage doors to be aluminium not wood as previously approved
- Does not accord with JLP and Neighbourhood Plan Policies

Support

- Garage cannot be seen from the road
- Bungalow is dated
- New roof will enhance a dated property

Response from applicant regarding letters of representation

- Development has been ongoing since 2019
- Updating tired bungalow
- No uniformity in regards to roof height within the village
- Lots of glazing in surrounding properties

All letters of representation can be read in full online.

Representations from Internal Consultees

Drainage:

Recommendations – No Objection

Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design (suggested condition online).

Landscape Officer: Objection

In addition to the Development Plan, the following legislation, policies and guidance have been considered:

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Sections 12 and 15 of the NPPF in particular paragraphs 135, 187, 189 & 190;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043*

on Landscape; and

- *South Devon National Landscape Management Plan 2019-2024 and its Annexes. In respect of the principle policy tests in the NPPF, this application is not considered to constitute “major development” in the context of paragraph 190 as it concerns a single, temporary dwelling, located close to an existing dairy yard development.*

Reference:

- *1904 P 01 Site Location Plan, DGA*
- *1904 P02 Existing Elevations, DGA*
- *1904 P03 Existing Store and Garage Elevations, DGA*
- *1904 P05 Existing (as built) Site Plan, DGA*
- *1904 P07 Existing Ground Floor Plan, DGA*
- *1904 P08 Existing First Floor Plan, DGA*
- *1904 P08A Proposed Site Plan, DGA*
- *1904 P09A Proposed Roof Plan, DGA*
- *1904 P10A Proposed Ground Floor Plan, DGA*
- *1904 P11A Proposed First Floor Plan, DGA*
- *1904 P12 Existing & Proposed garage Elevations, DGA*
- *1904 P13 Proposed Elevations, N & E, DGA*
- *1904 P14 Proposed Elevations, W & S, DGA*
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The development proposal is for alterations and extensions to an existing dwelling, and construction of a new detached garage (part retrospective). The LPA’s Landscape Specialists are asked to comment on Householder planning applications where there are concerns about potentially adverse landscape and/or visual effects on the wider landscape, or where development may affect the Special Qualities of a Nationally Protected Landscape. For this application, Planning Officers have requested a comment because the site is in a prominent position within the South Devon National Landscape, and on the edge of a historic settlement, adjacent landscape designated as Undeveloped Coast in the Plymouth and South West Devon Joint Local Plan (JLP).

Landscape Designations, Policy and Guidance:

The site is within the South Devon National Landscape where the character and scenic qualities are given the highest status of protection afforded by paragraph 189 of the National Planning Policy Framework, which attaches great weight to conserving and enhancing landscape and scenic beauty in National Landscapes. Additionally, Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act (2023) has amended Section 85 of the Countryside and Rights of Way (CRoW) Act, to create a new duty for public bodies to ‘seek to further’ the statutory purpose of Protected Landscapes, which for National Landscapes is to “conserve and enhance the natural beauty of the area of outstanding natural beauty”.

Plymouth and South West Devon Joint Local Plan:

Adopted JLP policy DEV25 also protects nationally designated landscapes from inappropriate development and activity, supported by policy DEV23, which seeks to ensure that new development conserves and enhances landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Whilst the site is within the defined settlement boundary of Ringmore, it is located adjacent to, and visible from, landscape that falls within the Undeveloped Coast, where JLP policy DEV24 does not permit development which would

have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries, and the Heritage Coast except under exceptional circumstances.

Neighbourhood Plan:

Ringmore Parish Neighbourhood Plan 2020-2034 was adopted by SHDC on 31st March 2022. Key policies relating to the application are:

- *RNP1 - Development within the Settlement Boundary*
- *RNP2 - General Design Principles for New Development*
- *RNP5 - Other development, subdivision of existing plots for building or extension to existing building*
- *RNP13 – Area of Outstanding Natural Beauty*
- *RNP14 – Biodiversity*
- *RNP15 - To protect the tranquillity of the environment and maintain the dark skies*
- *RNP16 – Protecting the Heritage Character of the Parish*

South Devon AONB Management Plan:

- *Lan/P1 Character*
- *Lan/P4 Tranquillity*
- *Lan/P5 Skylines & visual intrusion*

Landscape Character:

The hierarchy of published landscape character assessments covering this location are:

- *National Landscape Character Area (NCA): 151 South Devon*
- *Devon Landscape Character Area (DCA): Bigbury Bay Coastal Plateau*
- *South Hams Landscape Character Type (LCT): 1B Open Coastal Plateaux, and close to LCT 4D Coastal slopes and combes*

The area surrounding the Site exhibits distinctive characteristics, special qualities and features identified in the published landscape character assessments that are consistent with the Special Qualities of the South Devon National Landscape.

The legislation and adopted policies covering development within the National Landscape, supported by the South Devon AONB Management Plan and published guidance, promote high quality development, to ensure that the purpose of AONB designation is appropriately addressed and that special qualities of the South Devon AONB are conserved and enhanced.

Comment:

Detached garage:

I have noted the pre-application advice given for 1084/24/PR1 and am satisfied that the proposed amendments broadly follow the Officer's recommendations. The dormer windows are removed from the proposals, the ridgeline has been reduced, and the roof tiles will be a grey tile (full details of which could be conditioned, and natural slate would be preferred), instead of the incongruous red tile used on the current, unauthorised garage building.

The only area of concern is the proposed aluminium garage doors, which are incongruous with a horizontally banded appearance and no detail of colour. Timber doors would be more appropriate (as shown on the plans that were approved for 1412/19/HHO). However, overall the proposals for the garage are considered acceptable.

Main dwelling:

I have noted and concur with the advice given for 1084/24/PR1 and am somewhat concerned that the proposed amendments do not follow the Officer's recommendations.

Pre-application advice given for 1084/24/PR1 is summarised below:

- A slight increase in ridge height would likely be acceptable. "However, the scheme should still represent a bungalow with rooms in the roof rather than a two-storey dwelling".*
- Materials should match or be sympathetic to the surrounding built landscape (painted render or natural stone, natural slate tiles).*
- Dormers could be added but should not dominate the host and should reflect the pitch and material finish of the existing roof.*
- The degree of glazing should not be increased excessively due to the protected dark skies landscape.*

The proposed increase in overall ridge height, compared with the existing dwelling, is modest but there is a significant increase in roof mass with changes to the form of the roof. The highest section of the existing hipped roof is relatively short along the north-south axis of the dwelling, and with longer, lower, ridge lines extending out eastwards and westwards.

The proposals will substantially alter the visual impact of the dwelling by creating a pitched roof with continuous ridgeline along the north-south axis, as well as two substantial gables on the west-facing elevation linked with a section of flat roof, and with ridges that marry in to the main ridgeline, all of which will increase the visual mass of the roof.

These gabled features are not 'simple and subservient dormers', and their conspicuousness is emphasised by the glazing on the first floor of the west elevation. The result will be a more visually prominent building in views from the wider landscape, including important views and vistas identified in the Neighbourhood Plan for protection.

The external louvres shown on the elevation drawing may reduce light-spill from the apex windows, but there is no mitigation for the reflective qualities of, and potential light spill from, the extensive, floor-to-ceiling glazing with doors opening onto a balcony area with glazed balustrade.

The combination of increased prominence due to the proposed changes to the form of the roof; the large areas of glazing and reflective materials, and the active use of an amenity area at first floor level, which will be visible from the wider landscape including nearby PRowS, is of great concern, bringing harm to tranquillity levels and harm from the effects of light spill on dark night skies, in an area where both qualities are of great value, and contribute to the Special Qualities of the protected landscape.

I am mindful that these proposals are very similar to the scheme approved by 1412/19/HHO, but since that approval was granted the legislative and policy framework has changed, bringing a greater level of protection to the National Landscape. Given this, I am not satisfied that the proposal would avoid harm to the tranquillity levels, or dark skies, or avoid detracting from the unlit environment of the Parish. As such, it would conflict with Section 85 of the Countryside and Rights of Way (CRoW) Act; paragraphs 135, 187, & 189 of the NPPF; policies DEV23, DEV24 and DEV25 of the JLP; policies RNP2, RNP13 and RPN15 of the Ringmore Parish Neighbourhood Plan, and Lan/P1, Lan/P4 and Lan/P5 of the South Devon AONB Management Plan 2019-2024.
Recommendation: Objection

Relevant Planning History:

Application Number: 3273/23/HHO

Proposal: Householder application for changes to dwelling (part retrospective) (resubmission of 0633/23/HHO)

Decision: Withdrawn

Decision Date: 05/02/2024

Application Number: 0633/23/HHO

Proposal: Householder application for minor amendments to design, layout, materials & the introduction of ancillary accommodation in detached garage building approved under planning consent 1412/19/HHO (Retrospective)

Decision: Refusal

Decision Date: 15/06/2023

Application Number: 0280/23/VAR

Proposal: Application for retrospective variation of condition 2 (Approved Plans) following grant of planning consent 1412/19/HHO)

Decision: Withdrawn

Decision Date: 11/04/2023

Application Number: 1683/21/FUL

Proposal: Change of use of agricultural field to garden for growing vegetables, and erection of poly tunnel and shed/stable

Decision: Refusal

Decision Date: 27/09/2021

Application Number: 1412/19/HHO

Proposal: Householder application for ground and first floor extension with terrace, replacement of roof, and replacement of existing garage buildings with a new garage

Decision: Conditional Approval

Decision Date: 19/08/2019

Application Number: 40/1545/09/F

Proposal: Householder application for alterations and extension to dwelling with associated garage block

Decision: Conditional Approval

Decision Date: 26/10/2009

Application Number: 40/1960/06/F

Proposal: Alterations & extension to dwelling

Decision: Conditional Approval
Decision Date: 13/11/2006

Application Number: 40/1487/90/3
Proposal: Erection of detached bungalow and garage,
Decision: Conditional Approval
Decision Date: 03/09/1990

Application Number: 40/1358/78/3
Proposal: Lean-to garage
Decision: Conditional Approval
Decision Date: 17/11/1978

Application Number: 40/1543/77/3
Proposal: Erection of single storey extension, comprising lounge and utility room, and erection of single detached garage
Decision: Conditional Approval
Decision Date: 16/01/1978

ANALYSIS

The following **analysis** is given where the answer to any of the preceding questions is **no** or there are comments from any party or consultee.

Background and Principle of Development/Sustainability:

The application site features a large, detached bungalow set within expansive gardens on the edge of the built form of the village of Ringmore in the South Devon National Landscape and Undeveloped Coast. Due to its location outside of the sustainable settlements listed within the Plymouth and South West Devon Joint Local Plan (JLP) (paras. 5.8-5.11) the application site is assessed as being within the countryside when it comes to policy guidance.

Higher Manor Bungalow was granted planning permission for extensions and alterations along with a replacement detached garage in August 2019 under approval 1412/19/HHO, the assessment of which was made against the current adopted JLP (adopted in March 2019). Since this approval was granted work to replace the garage commenced, however, the development did not accord with the approved plans (differing in location, height, design and material finish) and the three-year time scale for the approval has since lapsed meaning that the site no longer has extant permission. The principle of development, however, is established for householder extensions, alterations and ancillary buildings within the domestic boundary.

Since the original permission was granted in 2019 the Ringmore Neighbourhood Plan has been 'made' and therefore forms part of the development plan upon which consideration and decisions on planning applications should primarily be based (having regard to s38(6) of the Planning and Compulsory Purchase Act 2004 etc.) Its policies therefore provide an additional material planning consideration to be considered in any scheme on this site. In addition, s245 (Protected Landscapes) of the Levelling-up and Regeneration Act (2023) has amended s85 of the Countryside and Rights of Way (CROW) Act, to create a new duty for public bodies to 'seek to further' the statutory purpose of Protected Landscapes, which for

National Landscapes is to “conserve and enhance the natural beauty of the area of outstanding natural beauty”.

The current proposal is almost identical to that approved in 2019, with a slight reduction in the ridge height of the extended main dwelling (6.5m as opposed to 6.9m previously approved). The garage, whilst retaining the present position and footprint, is to be reduced in height to match the 6m approved under the 2019 permission, replacing the as-built dormer windows with three roof lights and the bright red tiles with grey tiles to match the host dwelling and be more harmonious with the local vernacular, which is overwhelmingly natural slate.

Officers also note that there has been pre application advice given following the previous refusal (0633/23/HHO) and comments highlighted the new planning considerations from the 2019 decision and made recommendations for a future application. The pre application which concerned alterations to the dwelling as well as the garage gave partial Officer support for a subsequent scheme but noted ‘*The incorporation of sympathetically designed new or enlarged dormer windows would further improve the internal first floor accommodation. Any extension upwards should retain the visual impact of a bungalow with rooms in the roof as opposed to a two-storey dwelling, and the degree of glazing should be limited to protect the dark skies environment. Material finish is important, noting the highly visible location with countryside to two sides, and should reflect the local built environment as well as being sympathetic to the existing dwelling.*’

Design and Impact on National Landscape

Paragraph 189 of the National Planning Policy Framework (the Framework) attaches great weight to conserving and enhancing landscape and scenic beauty in National Landscapes. Additionally, Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act (2023) has amended section 85 of the Countryside and Rights of Way (CRoW) Act, to create a duty for public bodies to 'seek to further' the statutory purpose of Protected Landscapes, which for National Landscapes is to “conserve and enhance the natural beauty of the area of outstanding natural beauty”. The ‘Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes’ advises that “Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised.”

In the context of determining householder applications it is considered that the reasonable and proportionate approach is to consider the design and detailing; boundary treatments; materials selection, and the hard and soft landscaping, to ensure that development proposals contribute positively to landscape, townscape, and seascape character by having proper regard to the pattern of local development and the wider development context and surroundings, respecting scenic quality, and maintaining an area’s distinctive sense of place. Provided it can be demonstrated that this has been carried out it is considered that the LPA, as relevant authority, will have met the Protected Landscapes duty.

In this respect the following comments are offered:-

Design, scale and massing:

JLP policy TTV29 requires that any extension in the countryside is “*appropriate in scale and design in the context of the setting of the host dwelling*”. As such, extensions and

outbuildings must generally sit subservient to the host property, with a lower ridgeline (SPD paragraphs 13.6, 13.37, 13.39, 13.75).

Policy DEV24 relates to the Heritage Coast, and states that development will only be permitted where it 'protects, maintains and enhances the unique landscape and seascape character and special qualities of the area'. Policy DEV23 of the Joint Local Plan requires that development conserves and enhances landscape character and scenic and visual quality.

In addition, the Ringmore Neighbourhood Plan requires that new roof heights are not higher than those of the existing attached building and no higher than the general height of buildings in the local area (RNP2.5). Whilst the policy states the word "attached" within it, it is considered reasonable to extend this policy to cover adjacent ancillary buildings within the immediate curtilage of the dwelling also (such as the garage in this instance). In addition, policy RNP2 states that "*the development should not impinge upon the outlook or obstruct protected public views as demonstrated in the Proposal Maps 2 and 3 on pages 42/43 and in Section 15 Proposal Maps*".

The dwelling

The overall design of the dwelling features white rendered walls, a grey tiled roof and grey aluminium windows and doors. The design features a glazed balustrade which wraps around from the north, west and south elevations creating a balcony to the first floor.

The first part of RNP2 (5) relates to the heights of buildings in immediate proximity to a new building or one being extended – so those within a row of terraced properties or single storey dwellings of identical height which are in immediate proximity and identical in terms of scale, height and design cannot be extended above the height of the other units since this would be visually detrimental and overbearing, and lose the symmetry of the remaining buildings. However, in the scheme being assessed presently, the building to be extended sits at a not insignificant distance from surrounding properties (43m from 'Tosca', 69m from The Manor and 116m from Belle Vue Farm being the nearest neighbouring buildings). As such it is not deemed that this policy can prevent the increase in ridge height on this particular site, which seeks to increase the existing ridge by 500mm above the current highest part of the current roof.

Since the 2019 permission, the Ringmore Neighbourhood Plan has been implemented identifying key views and vistas identified in the Neighbourhood Plan for protection under policies RNP2 and RNP13. As per the Landscape Officers comment, the increase in massing of the dwelling impinges upon the outlook and obstructs protected local views which are identified within the Neighbourhood Plan RNP2 (5) which is now a material planning consideration.

Officers also note the preapplication advice given the applicants in regard to the acceptability of massing and scale.

In this instance, the increased massing and scale of the dwelling, although slightly less than has previously been approved, is no longer acceptable under the new considerations of the Neighbourhood Plan and the greater level of protection afforded to the National Landscape. Officers consider that the scale and massing of the proposal to be significant considering the rural location and the very outskirts of the village adjacent to open farmland. The proposal in the instance of design, scale and massing are therefore not acceptable.

However, aside from the increase in ridge height the massing and scale of the proposed change in roof form is significant. The proposal substantially alters the visual impact of the dwelling which now reads as a two-storey dwelling as opposed to a bungalow with a continuous ridgeline along the north-south axis, two gables on the west facing elevation lined with a section of flat roof and ridges which marry into the main ridgeline, all of which increase the visual massing of the roof of the main dwelling.

The LPA Landscape Officer has partly objected on tranquillity grounds. Tranquillity it was defined in 2005 by the Countryside Agency who summarised tranquillity as a being linked to nature and natural features, and to peace, quiet and calm. Conversely, the impact of humans detracts from tranquillity in many ways – too many people; unwanted noise and disturbance and activities (both visual and aural). Going further to say what is not tranquillity is ‘a more general form of negative impact concerned various forms of ‘development’ in the landscape, particularly any that was perceived to be ‘too commercialised’ and ‘industrial sounds’. In this case, the interruption of tranquillity levels comes from the increase in built form which would be detrimentally visible from a protected view as outlined within the Ringmore Neighbourhood Plan and detrimental to the wider setting of the dwelling and the contribution it makes to the character and appearance of the National Landscape.

The Garage

The garage ‘as built’ takes the height up to 7.2m (and has previously been refused under 0633/23/HHO as being overbearing and incongruous at this height), the plans being assessed presently reduce this back down to 6m to match the original 2019 approval and significantly decrease the height and massing. In addition to reducing the height the proposal removes the large, domesticating dormer windows and replaces them instead with three inset rooflights, which are considered far less incongruous and in keeping with an ancillary outbuilding. The red roof tiles too, which were considered out of keeping with the surrounding built environment and to draw the eye from a distance, are to be replaced with grey tiles and the walls rendered to match the host dwelling.

Officers note comments regarding the additional floor for office space above the garage, however, this is not an unusual requirement within a domestic outbuilding. Officers consider that the reduction by 1.2m in head height and the removal of the dormer windows is adequate mitigation against the building being used as separate living accommodation since it now wholly represents an incidental space above a garage/workshop in physical and design terms. Had the scheme been otherwise acceptable, a condition could have been added for the use of private motor vehicle and the office space to be incidental to the main dwelling (i.e. no overnight accommodation or commercial use).

It is also noted that the LPA Landscape Officer does not object against the garage specifically.

Dark skies:

Dark skies are key contributors to relative tranquillity and relative wildness and sense of remoteness as well as being culturally important, and within the National Landscape glazing should be minimised and light pollution avoided. Development should “limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation” (DEV2.4).

The Ringmore Neighbourhood Plan policy RNP2 requires new development to not negatively affect current “Dark Skies” status.

In terms of glazing the proposal offers some mitigation in the form of louvres from the apex windows on the west elevation but there is no mitigation offered from the floor to ceiling windows and extensive glazed balcony on the west elevation first floor. Although there are large ground floor windows proposed on the west and south elevation, albeit under the balcony with the potential upwards light spill lessened.

The LPA Landscape Officer has additionally reviewed the proposal and objected on the grounds of not being satisfied that the proposal would avoid harm to the tranquillity levels, or dark skies or avoid detracting from the unlit environment of the Parish.

In this instance, the large windows are not acceptable and will harm the dark skies surrounding the site and detract from the unlit environment of the Parish.

Location:

Although within the settlement boundary within the NP, the bungalow is within a rural location surrounded by public right of ways and within the rolling and open topography of the National Landscape. The proposal as discussed above creates a prominent and visible development which will be viewed from public rights of way, and from views marked with the NP.

The development, on this occasion is unacceptable in terms of location within a protected landscape.

Biodiversity:

DEV26 of the JLP requires that all developments should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area, and that enhancements for wildlife within the built environment will be sought where appropriate from all scales of development.

An Ecological Assessment provided by the applicant updates a previous report with the amended plans which have been reviewed and where appropriate, revisions have been made to the original recommendations made (i.e. with regard to the placement of bat and bird boxes). Within the report the ecologist notes that *“given the absence of bat activity recorded in March 2019 and April 2023, and the absence of potential roost locations, it is considered that a further survey would not provide any new information”*.

As such – whilst noting comments received during the consultation period from neighbours regarding bat populations within the site – Officers must conclude that since these were identified in neither the 2019 or 2023 surveys and that the ecologist is content that nothing has changed since, the scheme does not harm any protected species and meets the provisions of DEV26 and through the enhancement measure suggested furthers biodiversity conservation in the National Landscape.

Conclusion

Taking into account the reasons above, the proposal fails to avoid harm to the tranquillity levels and dark skies, detracting from the unlit environment of the Parish and has identified harm to a protected view as set out with the Ringmore Neighbourhood Plan. Officers

therefore consider the proposal contrary to the provisions of Section 85 of the Countryside and Rights of Way (CRoW) Act; paragraphs 135,187, & 189 of the NPPF; policies DEV23, DEV24 and DEV25 of the JLP; policies RNP2, RNP13 and RPN15 of the Ringmore Parish Neighbourhood Plan, and Lan/P1, Lan/P4 and Lan/P5 of the South Devon AONB Management Plan 2019-2024.

Neighbour Amenity:

Policy DEV1 requires that all proposals safeguard the health and amenity of local communities. To this end, new development should provide for satisfactory daylight, sunlight, outlook, privacy and protection from noise disturbance for both new and existing residents.

The proposal includes a balcony to the west elevation. Balconies and roof gardens can be considered unacceptable due to the detrimental impact they can have on the privacy of neighbours' gardens or habitable rooms and "in assessing a proposal for a balcony or roof garden the degree of overlooking will be considered" (SPD 13.22). Balconies can also create additional amenity impacts if they are positioned close to the site boundary such as noise and "consideration should be given to the location of any proposed balcony to prevent amenity impact to neighbouring properties" (SPD 13.23).

However, Officers have visited the site and are satisfied that the addition of the balcony in this location would not overlook any neighbours due to the orientation of the dwellings to one another, as well as some significant vegetation screening. Officers are therefore satisfied that the amenity of nearby residences would be protected, in accordance with policy DEV1.

Heritage:

The application site, whilst not within the Conservation Area or a heritage asset in its own right, is notably situated c. 85m from the Ringmore Conservation Area and c. 112m from Grade II* Listed All Hallows Church.

Officers are mindful of the duty noted at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions. Following a site visit it is deemed that, due to the topography of the landscape and the location of the application site separated from both the Conservation Area and All Hallows church by other buildings, the scheme did not have meaningful impact on either Heritage asset and is not considered against the provisions of DEV21.

Drainage:

Surface water

DEV35 states that, where development is necessary LPAs will "ensure that it is safe without increasing flood risk and pollution elsewhere" and that development should incorporate sustainable water management measures to minimise surface water run off (DEV35.4).

The LPA drainage engineers have reviewed the application and are satisfied that there is an 'in principle' drainage scheme which is acceptable on the site. If the scheme were otherwise acceptable, a condition would have been added as recommended and agreed

prior to the commencement of the scheme for full details of the most sustainable drainage solution. With this in mind, the scheme adheres to DEV35 of the Joint Local Plan is considered acceptable.

Foul Drainage

No information has been received regarding the foul drainage provision and no information has been filled out on the application regarding foul drainage provision on site. The new scheme added additional bedrooms and bathrooms to the bungalow and as such foul drainage information is required. It is noted that a refusal reason from the previous scheme (6033/23/HHO) also had a refusal reason in regards to unsatisfactory foul drainage provision which has not been overcome with the evidence submitted with his application. As such, the proposal does not accord with DEV35 (8) of the Joint Local Plan.

Recommendation:

Officers have identified harm to the National Landscape setting and protected views as identified above. The development plan and legislation have changed since the 2019 permission was granted, which has been outlined within a pre application response. Each case is determined on its own merits, and Officers must consider each development in its own site-specific context, and in accordance with the relevant planning policies in force at the time of consideration

The scheme proposes a large increase in scale and massing to an existing small bungalow in an elevated position resulting in excessive glazing and light spill and a negative impact on a protected view.

Additionally the applicant has failed to provide evidence of an adequate foul drainage solution.

The proposed is against the provisions of Section 85 of the Countryside and Rights of Way (CRoW) Act; paragraphs 135,187, & 189 of the NPPF; policies DEV23, DEV24 and DEV25 of the JLP; policies RNP2, RNP13 and RPN15 of the Ringmore Parish Neighbourhood Plan, and Lan/P1, Lan/P4 and Lan/P5 of the South Devon AONB Management Plan 2019-2024.

As Such, Officers recommend the application for **refusal**.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon

Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan:

Following a successful referendum, the Ringmore Neighbourhood Plan was adopted at Annual Council on 31st March 2022. It now forms part of the Development Plan for South Hams District Council and should be used in deciding planning applications within the Ringmore Neighbourhood Area.

The proposal is considered against the provisions of the following policies:

- RNP2 - General Design Principles for New Development
- RNP5 - Other development, subdivision of existing plots for building or extension to existing buildings
- RNP13 – Area of Outstanding Natural Beauty
- RPN15 – To protect the tranquillity of the environment and maintain the dark skies

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
- National Planning Practice Guidance (NPPG) in relation to Landscape;
- Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes (Dec 2024)
- Section 85 of the Countryside and Rights of Way (CRoW) Act
- South Devon AONB Management Plan and its Annexes.

- Plymouth and South West Devon Climate Emergency Planning Statement (2022)
- The Countryside Agency Research notes 'Understanding tranquillity' (2005)

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

The above report has been checked and the plan numbers are correctly recorded within the computer system. As Determining Officer I hereby clear this report and the decision can now be issued.
Name and signature: Lauren Hutton
Date: 28th March 2025

Ward Member	Cllr Bernard Taylor
Date cleared	28/03/2025
Comments made	<i>I think this is an excellent report covering all relevant reasons for refusal, so I am happy to support your decision of refusal on application 3861/24/HHO</i>