



Onnalea, Bantham TQ7 3AR (2021)



Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR
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PLANNING REF: 3629/23/HHO

DESCRIPTION: Householder application for demolition of existing extension and extensions and alteration to existing dwelling, driveway improvements and associated landscaping.

ADDRESS: Onnalea Bantham TQ7 3AR.

Officer Name: Curtis Badley

29th November 2023

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest.

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The South Hams Society **objects** to this planning application.

The applicant has submitted two previous planning applications.

The confusingly titled planning application 2867/21/FUL - Proposed rebuilding and extension of demolished dwelling was withdrawn and the dwelling had not been demolished. The second planning application 0293/22/FUL was refused on the 29th March 2022.

The owner's agent then submitted a Certificate of Lawfulness application 3366/22/CLP which was certified on the 3rd April 2023.

The agent now seeks to use this Certificate of lawfulness for **proposed construction of two outbuildings for incidental use** (building 1 - home office/music studio& building 2 - boat storage, home gymnasium and art room) to justify this latest application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.

The Society is not satisfied that the Certificate of lawfulness for the proposed construction of two outbuildings for incidental use constitutes a material planning consideration for alterations to an existing dwelling and extensions of that dwelling.

Instead the Society would suggest that were the Permitted Development Rights to be a material consideration then the supporting evidence that needs to be considered for this application is Class A.

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Class A

The enlargement, improvement or other alteration of a dwelling house.

Summary

Single-storey extension

An extension or addition to your house is considered to be permitted development, not requiring an application for planning permission, provided certain limits and conditions are met.

1. On designated land* - no cladding of the exterior.
*Designated land (Article 2(3)) includes national parks and the Broads, Areas of Outstanding Natural Beauty, conservation areas and World Heritage Sites.

2. On designated land* - no side extensions.
Rear extension - No permitted development for rear extensions of more than one storey.

The regime for larger single-storey rear extensions (see point 9) does NOT apply to houses on designated land.

3. No more than half the area of land around the "original house"* would be covered by additions or other buildings. Sheds and other outbuildings must be included when calculating the 50 per cent limit.

The term 'original house' means the house as it was first built or as it stood on 1 July 1948 (if it was built before that date). Although you may not have built an extension to the house, a previous owner may have done so.

4. No extension forward of the principal elevation or side elevation fronting a highway.

5. Materials to be similar in appearance to the existing house.

6. Side extensions to be single storey.
Width of side extension must not have a width greater than half the width of the original house.

7. Side extensions to have a maximum height of four metres and width no more than half that of the original house.

8. If the extension is within 2m of a boundary, maximum eaves height should be no higher than 3m to be permitted development.



9. Single-storey rear extensions must not extend beyond the rear wall of the original house* by more than 4m if a detached house; or more than 3m for any other house. Where not on designated land (Article 2(3)) or a Site of Special Scientific Interest, this limit is increased to 8m if a detached house; or 6m for any other house.

[Find out more.](#)

10. Maximum height of a single-storey rear extension of 4m.

11. Maximum eaves and ridge height of extension no higher than existing house.



Class A
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Summary

Two-storey rear extension (Extensions of more than one storey)

An extension or addition to your house is considered to be permitted development, not requiring an application for planning permission, provided certain limits and conditions are met.

1. On designated land extensions of more than one storey are not permitted development.

* Designated land includes national parks and the Broads, Areas of Outstanding Natural Beauty, conservation areas and World Heritage Sites.

2. Extensions (including previous extensions) and other buildings must not exceed 50% of the total area of land around the original house.

The term 'original house' means the house as it was first built or as it stood on 1 July 1948 (if it was built before that date). Although you may not have built an extension to the house, a previous owner may have done so.

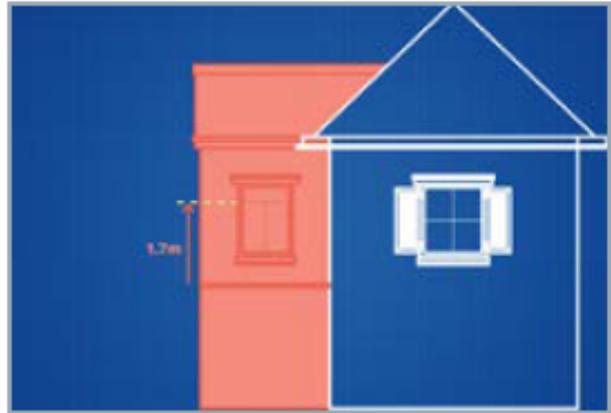
* Sheds and other outbuildings must be included when calculating the above 50% limit.

3. Maximum eaves and ridge height of extension no higher than existing house. If extension is within two metres of a boundary maximum eaves height should be no higher than three metres to be permitted development.

4. Extensions of more than one storey must not extend beyond the rear wall of original house by more than three metres or be within seven metres of any boundary opposite the rear wall of the house.

5. Roof pitch of extensions higher than one storey to match that of the existing house, as far as is practicable.

6. Materials used in exterior work to be similar in appearance to those of the exterior of the existing house.



7. Any upper-floor window in a wall or roof slope in a side elevation must be obscure-glazed and non-opening unless the parts which can be opened are more than 1.7 metres above the floor of the room in which it is installed.

8. No balconies or verandas are permitted development.



Class A

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Important note

The permitted development allowances described here apply to houses, not flats, maisonettes or other buildings. You should check with your Local Planning Authority whether permitted development rights apply – they may have been removed by what are known as Article 4 directions.

Other consents may be required if your house is listed or in a designated area.

When planning work you should read all the advice on the Planning Portal under '[Your responsibilities – Other considerations before you start work](#)'.

As well as other important information you will find guidance here on the permitted development regime.

Wales

This guidance relates to the planning regime for England. Policy in Wales may differ. Contact your local planning authority for further information.

Building Regulations

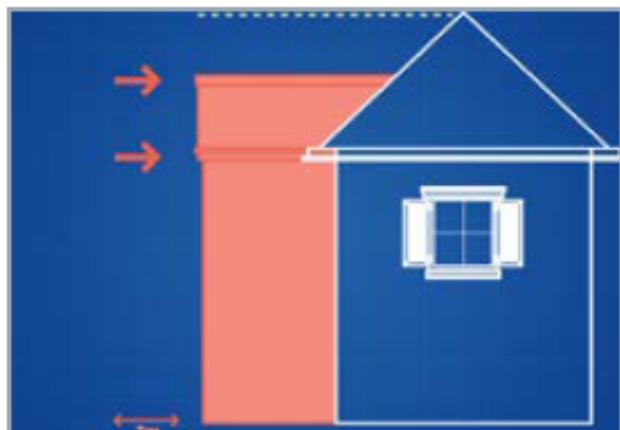
Most extensions of properties require approval under the Building Regulations. [For more information read Planning Portal online guidance.](#)

Installation, alteration or replacement of a chimney, flue or soil and vent pipe

[Read guidance on the permitted development regime under Class G.](#)

Disclaimer

Users should note that this is an introductory guide and is not a definitive source of legal information. [Read the full disclaimer.](#)

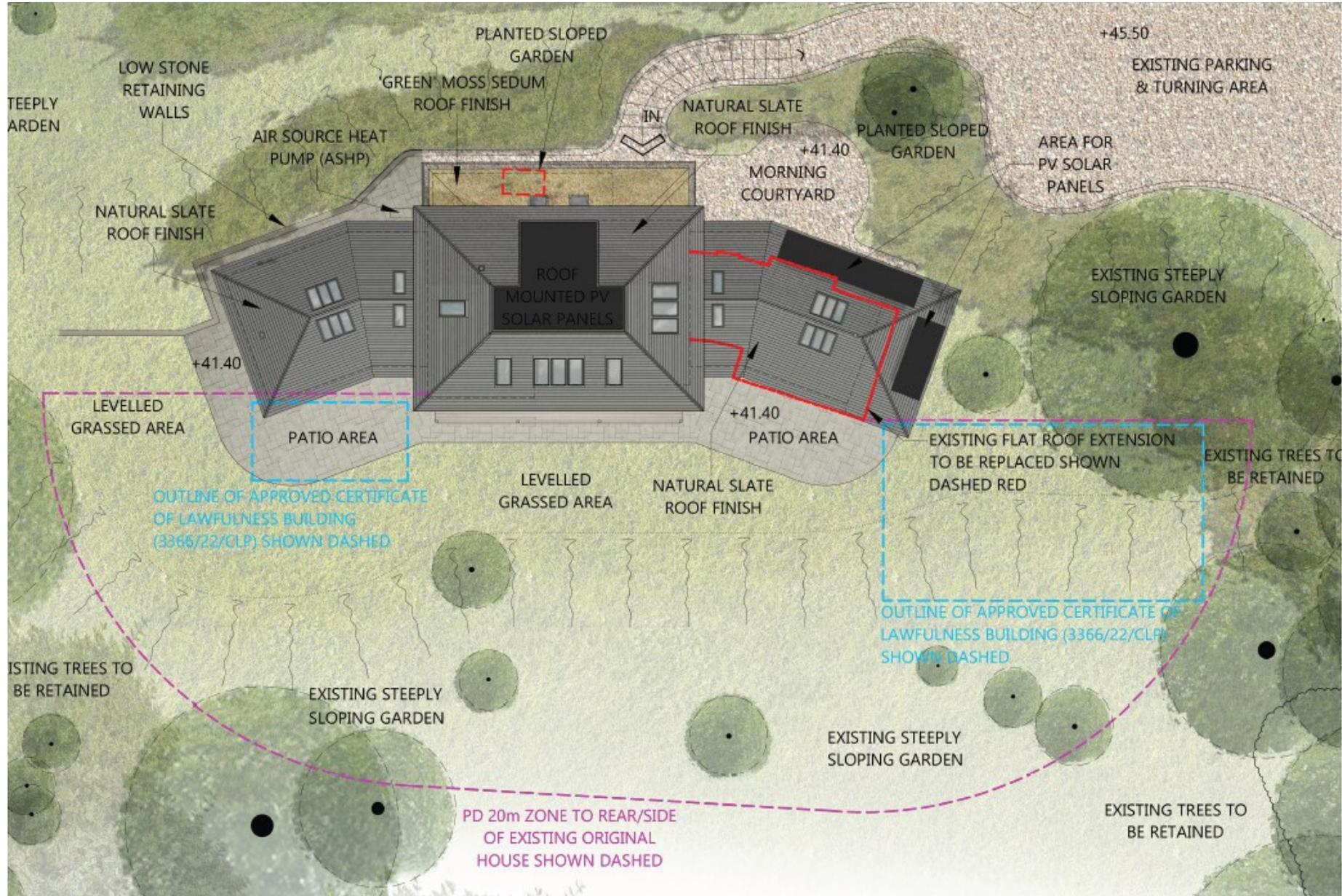


Definitions of terms used in this guide:

'Original house' - The term 'original house' means the house as it was first built or as it stood on 1 July 1948 (if it was built before that date). Although you may not have built an extension to the house, a previous owner may have done so.

'Designated land' - Designated land (Article 2(3)) includes national parks and the Broads, Areas of Outstanding Natural Beauty, conservation areas and World Heritage Sites.

GPDO Class A do not support extensions of this size



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The proposal is to demolish the existing garden room extension - where it is evident that the structure was not constructed to comply with building regulations and to construct two extensions at either end of the dwelling.

The Society consider that this would be 4 metres wider than the refused proposal when viewed from the area surrounding the Avon. The building structures are also higher than the refused proposal.

We would therefore remind the Case Officer of some of the justifications given for the refusal of application 0293/22/FUL and those instances where the Society believes that the reasons for refusal have not been addressed.

Reason 1 of the refusal.

- 1. The proposal would result in a larger dwelling in a parish which already has an over-provision of large, under-occupied dwellings. It would therefore exacerbate an existing imbalance in the local housing stock, contrary to policies SPT2.4 and DEV8 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).*

Reason 2 of the refusal.

- 2. The proposed development is considered to conflict with policies DEV20, DEV23, DEV24, DEV25, DEV28, DEV32, SPT1.2, and SPT2.4 of the Plymouth and South West Devon Joint Local Plan and it has therefore not been established that there is a satisfactory imperative reason overriding public interest for the development to take place. As such, it is unlikely that Natural England would subsequently grant an EPS licence for the proposal, contrary to Policy DEV26 of the Plymouth and South West Devon Joint Local Plan (2014- 2034), policy TP22 of the Thurlestone Neighbourhood Plan (2015- 2034) and paragraph 179(b) of the National Planning Policy Framework (2021).*

Reason 4 of the refusal (The applicant has failed to include information with regards to trees).

- 4. The development is likely to have a detrimental impact on the trees surrounding the site. Given the high landscape sensitivity of the site, the quality of the tree stock, and the absence of any information evidencing that the trees would not be harmed as a result of the development, the proposal is considered to conflict with policy DEV28 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).*

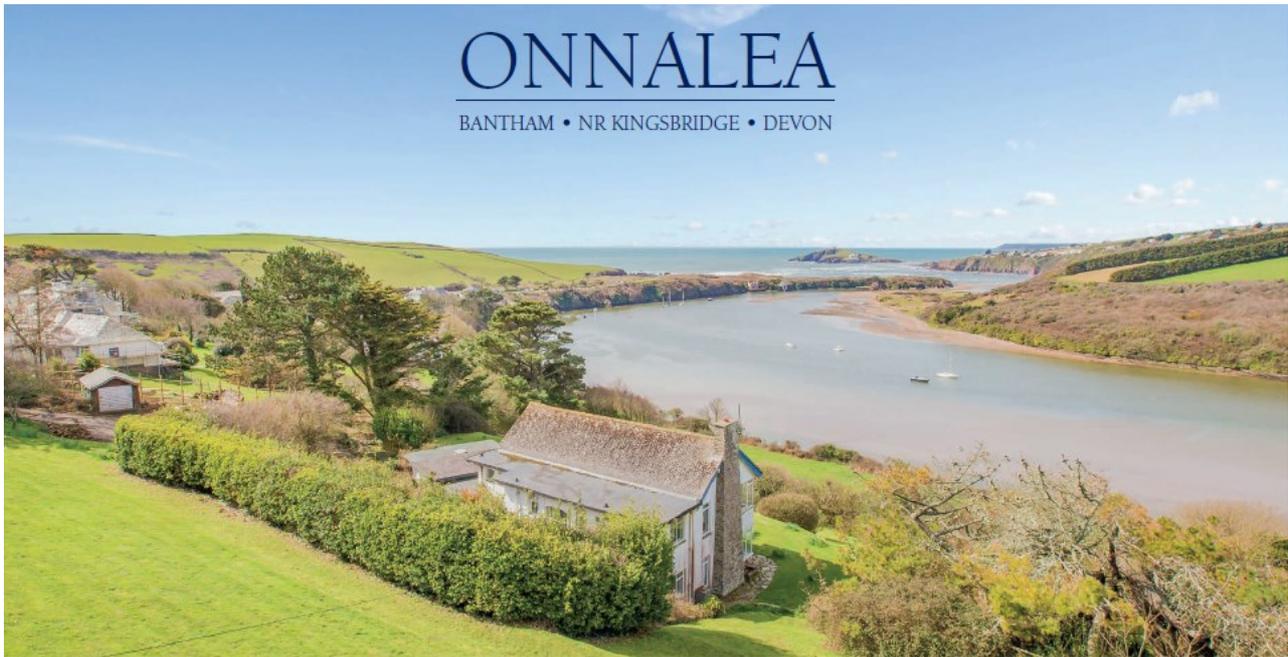
Reason 5 of the refusal (with the exception of the removal of the swimming pool, this reason for refusal has not been addressed).

- 5. The increased built form and intensification of domestic features such as the proposed swimming pool, increased glazing from the proposed dormers, light impact from the proposed rooflights, and glazed balustrading would fail to preserve and enhance the South Devon AONB, or the special qualities of the Heritage Coast and Undeveloped Coast policy areas. The development therefore conflicts with policies DEV23, DEV24, and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), policies TP1.2, TP1.4, TP1.5, and TP22 of the Thurlestone Neighbourhood Plan (2015-2034), and paragraphs 174, 176, and 178 of the National Planning Policy Framework (2021).*

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Given the prominence of the building within the highly protected landscape, the 34.5 metre frontage with increased height and large areas of glazing is a concern.



Bantham Village - glazing reflecting sunlight.



With regards to sewage treatment package plants and field drainage, new general binding rules have come into force after the 2nd of October 2023. The submitted document with this application is now out of date and should be updated.

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>

New discharges that started on or after 2 October 2023

You're in this category if, on or after the 2 October 2023, you:

- started a discharge from a septic tank or small sewage treatment plant
- changed a discharge from surface water to ground
- moved the location of the discharge to more than 10 metres away from the previous location
- increased a discharge to ground to more than 2 cubic metres (2,000 litres) a day to ground

If so, you must meet the:

- rules that apply to all discharges
- additional rules for discharges started
- additional rules for new discharges started on or after 2 October 2023

<https://www.homesepctic.co.uk/2023update-to-general-binding-rules/>

The Environment Agency has recently announced two new rules, number 22 and 23 that will impact users of private drainage systems. The new rules come into force on the 2nd of October 2023. The rules only concern new discharges, so do not worry if you have an existing system they will only impact you if when you come to replace your current system you change how and where it discharges.

Rule number 22

"A new discharge shall not use the same outlet as any other discharge if the combined volume of those discharges would exceed the volumetric general binding rules thresholds for groundwater or surface water."

Firstly, I want to make clear that this does not mean this is banned or that you cannot do it. It simply means you cannot do it under the GBR's and therefore a B6.5 permit application would need to be made before the work is undertaken.

In English, the rule means you cannot share a discharge (soakaway, drainage field, or discharge point) with another system, say your neighbour's tank if the combined output of wastewater from the multiple systems exceeds the daily discharge limits set in the General Binding Rules (GBR's). The limits are 5m³ for discharges to surface water and 2m³ for discharges to the ground. For guidance on how to calculate the volume of wastewater from a system please see the following guidance.

Our interpretation of this rule is that if for instance you currently share, say a discharge pipe to a stream with a neighbour's tank and have to replace your system then this rule will not apply, as long as your individual system remains within the GBR's. The rule only applies if when you come to install a new system or replacement system you decide or need to connect into the same discharge point as another system. It sort of makes sense, the idea is to stop the concentration of pollutants in one place above an acceptable volume without the impact of that being assessed through a permit application.

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Rule number 23

“A new discharge shall not be made to a discharge point within 50 metres of any other exempt groundwater activity or water discharge activity.”

Okay, so this one is a bit more complicated and vague. Our interpretation of this is that if for example, you want to install a new Septic Tank and Drainage Field for a new build project, then the Drainage Field cannot be installed within 50m of somebody else’s existing Drainage Field. The same applies to a discharge point to say a river.

Unfortunately, these rules are written by and for Lords and Ladies who live on palatial estates. The average size garden in the UK is 188m² so 13m by 13m. This would mean for the average working person, who lives in the real world, you would need to consider peoples properties up to 4 houses away on either side. Given that for discharges to ground the majority of people in the country cannot fit either a GBR-compliant system, either new or replacement, in the space available to them, makes it irrelevant, you would need to apply for a B6.5 permit anyway.

What is unclear is whether a new discharge made within 50m of another discharge would be considered at all, even via a permit application, or whether it is just not allowed. What is also unclear is whether the volumetric element comes into force. For instance, if you are planning to discharge 0.9m³ of wastewater into the ground and the combined volume of any other discharge within 50m is also 0.9m³ then the combined discharge volume would be 1.8m³ which is within the 2m³ allowed under the General Binding Rules for discharges to ground.

On the 10/10/2023 the Environment Agency confirmed to us the following:

A new discharge within 50m of an existing discharge “would be considered and the environmental risk assessed as part of the permit application for the new discharge”

In terms of the combined volume of an existing and the new proposed discharge the Environment Agency has stipulated the following “A permit would be required for the new discharge even if the combined volume would potentially be less than the maximum relevant discharge rate”.

It should also be noted that the site to the west of the house is steep and the maximum gradient for drainage fields is expected to be less than 1:200.

For the reasons detailed in this letter, the Society are of the opinion that the local planning authority should be consistent in its decision making and therefore should refuse this application.

For and on behalf of the South Hams Society.

Richard Howell,
Chairman.