



The Dog Watches in the village of Bantham





The Dog Watches viewed from the nearby estuary viewing platform





The Dog Watches, windows reflecting the evening sunlight, viewed from Thurlestone Footpath No. 1



The historic building and lime kiln within the red ring. More windows proposed.



**PLANNING REF: 2273/23/CLP**

**DESCRIPTION: Certificate of lawfulness for proposed rear extension, window alterations, roof lights & outbuilding**

**ADDRESS: The Dog Watches Bantham TQ7 3AN**

**LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY**

**16<sup>th</sup> August 2023**

### **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 have concerns regarding the increasing use of permitted development rights where development is being proposed that exploit the GPDO rules to the limit. Permissions given by the government without any consideration regarding impacts on the protected landscapes of the Heritage Coast, the historic environment and the South Devon AONB.

The Society consider the historic building and lime kiln to be visually important not only from the SW Coast Path, but also public viewing points on the Bantham Ham and from the water.

It is one of the earliest buildings on the estuary bank and has survived intact, as can be seen on the 1873-1888 SW England OS Map. It is now under threat from the GPDO regime on a tick box exercise.



Charity No 263985

Registered Address: 20 Highfield Drive, Kingsbridge, Devon TQ7 1JR  
[www.southhamsociety.org](http://www.southhamsociety.org) | [www.facebook.com/SouthHamsSociety/](https://www.facebook.com/SouthHamsSociety/)

The small building stands alone on the right above the Estuary Quay.



The Dog Watches, lime kiln and old building.



The applicant has considered the development with regards to the following classes of the GPDO:

*'The works contained within this application have been assessed against the criteria for permitted development, in particular under Classes A, C and E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development Order 2015) – Statutory Instrument 2015 No. 596'.*

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The dwelling was permitted with planning application 55/1243/80/1 and 55/0249/81/2

55/1243/80/1

**(f) The dwelling shall take the form of a single storey dwelling on the south elevation.**

The Society are of the opinion that the proposed roof lights fitted to the south elevation would breach this planning condition and therefore do not benefit from permitted rights.

The Society consider this estuary face transition aesthetically appalling, while we expect the bulk of the enlargement to be rubber stamped by a GPDO tick box exercise.



rear) Elevation

Roof alterations are not included in Class A, but Class B.

However the Society are of the opinion that the side extension is not allowed as it is prevented by condition A.2 (b) which is clarified in the technical guidance on page 30 (the side extension is outlined by the red square box on the previous page, (Rear Elevation)).

<https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>

***'Extensions beyond any side wall are not permitted development in these areas'.***

Extract of the guidance:

**A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if -**

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;**
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse; or**
- (ca) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)**

This section of the rules sets out additional restrictions for National Parks, the Broads, areas of outstanding natural beauty, conservation areas, and land within World Heritage Sites. In these areas:

- the cladding of any part of a house, whether it be the original house or any enlarged part is not permitted development and requires an application for planning permission.
  - extensions beyond any side wall are not permitted development in these areas.
- 
- an extension from a rear wall is not permitted development if it results in an enlarged area of the house that has more than one storey.

Where an extension is to be joined to an existing enlargement to the original house, the total enlargement must be within the limits set out in (b) and (c) above.

The extension on the south elevation is in conflict with this direction (adjacent to the steps).

Turning next to the 'outbuilding'.

The Society notes the following statement from the planning statement:

*The proposed alterations to the outbuilding, which would be used for a purpose incidental to the enjoyment of a dwelling house, is permitted development under Class E.*

The building referred to predates the Dog Watches by at least 100 years. We therefore do not believe that 'outbuilding' is the correct term for the building.

There is no site survey plan of the land elevation that enables the Society to record the **ground** distance from the historic building to the Dog Watches building correctly (the site is on a hill).

There is no plan that shows how the new area is to be attached to the existing building and whether part of the existing building remaining internally is to be demolished. The new flat roof is higher than the existing eaves.

GPDO Part E:

**E. The provision within the curtilage of the dwellinghouse of—**

**(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;**

Section (e) is relevant as we believe parts of the new building to be within 2 metres of the boundary where the height is restricted to 2.5 metres (we refer you to the last paragraph of the following text).

**(e) the height of the building, enclosure or container would exceed -**

**(i) 4 metres in the case of a building with a dual-pitched roof,**

**(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**

**(iii) 3 metres in any other case**

The height of the building, enclosure or container should be measured from the highest ground level immediately adjacent to the building, enclosure, or container to its highest point.

The height limit on a 'dual-pitched roof' of 4 metres should also be applied to buildings that have 'hipped' roofs (slopes on all four sides).

If any part of the building, container or enclosure is within 2 metres of the boundary of the curtilage of the house, then the height limit for the total development is restricted to 2.5 metres if it is to be permitted development.

Due to the raised level at the site at the boundary, we do not believe the development can be restricted to 2.5 metres. It is currently shown as 2.6 metres high.



The Society therefore conclude that the Class E proposal will fail to comply with permitted development rules.

It appears that the applicant seeks to use the GPDO rules as a bargaining chip for a later planning submission.

Lawful Development Certificate Planning Statement:

*'The new owners of the property are seeking clarification on the extent of alterations they could undertake using their existing Permitted Development Rights.*

*This application will be used to guide the final development proposals that are currently being developed for a modest extension and sympathetic alterations to the existing property, that will be submitted later this year'.*

The Society believe that conduct effectively exploiting the GPDO legislation is unacceptable.

We therefore ask the LPA to consider implementing an article 4 direction for the Bantham peninsula as the GPDO legislation is failing to adequately protect the Historic Coast or the South Devon AONB.

Richard Howell – Chair  
For and on behalf of the South Hams Society.