

WHIMPLE

07/0362/FUL

Target Date: 30.03.2007

Applicant: Enterprise Inns

Location: The Thirsty Farmer, Whimble

Proposal: Erection of detached two storey dwelling with detached double garage

## **CONSULTATIONS**

### County Highway Authority

The development proposal seeks to utilise an existing access that currently serves The Thirsty Farmer public house. Visibility at the access is slightly obstructed in the easterly direction by vegetation overhanging the footway but this could be removed. Apart from this, access arrangements to the development site are acceptable and provided on site turning facilities are suitably conditioned then no highway objection would be raised.

Recommends that the following condition shall be incorporated into the grant of any permission:

A turning area, garage/hardstanding and access drive shall be laid out, properly consolidated/surfaced, and maintained for those purpose in accordance with the approved plans prior to the development first being brought into use.

## **TOWN/PARISH COUNCIL**

Recommend refusal.

“Concern ref: access across public driveway, cars often parked in this area when the pub is busy and the pub car park full. Over development of site. Takes away amenities of pub - loss of beer garden, which is a popular venue in the summer. Change of ownership might produce more enlightened use of the space. Concern ref: access across public driveway. Over-crowding - over-looks nearby houses.”

## **WARD MEMBER(S)**

No comments received.

## **REPRESENTATIONS**

3 letters received.

### Comments/objections

- Overdevelopment
- Overlooking
- Loss of wildlife habitat
- Excessive noise and inconvenience during construction
- Some concern over potential loss of light to Cliftlands
- Desire to ensure tress on eastern boundary retained

## **PLANNING HISTORY**

<b>App. No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
07/0364	Demolition of short section of wall	Approved	02.04.07

## **PLANNING POLICIES**

### Government Guidance

PPS 1 - Delivering Sustainable Development  
 PPS 3 – Housing  
 PPG 15 – Planning and the Historic Environment

### Devon County Structure Plan (2001-2016)

Policy CO6 – Quality of New Development  
 Policy C07 – Historic Settlements and Buildings

### East Devon Local Plan (1995-2011)

Policy D1 – Design and Local Distinctiveness  
 Policy EN16 – Preservation and Enhancement of Conservation Areas  
 Policy RE 3 – Open Space Provision in New Housing Developments  
 Policy TA6 – Adequacy of Road Network and Site Access

## **SITE LOCATION AND DESCRIPTION**

The application site relates to part of the rear/side garden of the Thirsty Farmer public house, this being a large detached building set back from the road frontage in the centre of the village and close to a road junction. The building is finished in render with a hipped slate roof. There are existing extensions in the form of a single storey extension to the east and north elevations and a further two storey extension to the rear (north).

The site itself lies to the northeast side of the pub and would be accessed via a strip of land between the east elevation of a single storey extension to the pub and the neighbouring properties “Valhalla” and “Cliftlands”. There is currently a brick/render wall with pedestrian access gate between the east elevation of the pub and the boundary wall to the east of the site. To the north side of Cliftlands the existing brick boundary wall returns to meet a public footpath to the rear (marked by a vertical timber boarded fence. The northern boundary of the site is also marked by a similar fence.

The site is currently laid to lawn and forms part of the pub’s beer garden. There are two multi-stemmed, semi-mature trees close to the east boundary of the site. The site lies within a designated conservation area and the built-up area boundary of the village.

## **PROPOSED DEVELOPMENT**

The proposal seeks planning permission for the erection of a detached dwelling and double garage on the site. Conservation Area Consent has been separately granted for the demolition of a short section of wall to provide vehicular access to the site.

## **CONSIDERATIONS AND ASSESSMENT**

It is considered that the main issues in the determination of the application are the design of the proposed dwelling and its impact on the surrounding Conservation Area, the potential impact on the privacy and amenity of neighbouring occupiers, the suitability of the proposed access in highway terms and the potential impact on trees of amenity importance.

The site lies within the built-up area boundary of the village and in terms of its size is considered to be commensurate with adjoining plots. It is not considered that there are any in principle objections to the residential development of the site for a single dwelling.

### Design

The application proposes a two storey house with rendered elevations over a brick plinth and a slate roof, an external brick chimney stack is proposed to the south elevation. Joinery (i.e. windows/doors, fascia, barge boards) is proposed in timber and a large open fronted pitched roof porch is proposed to the front elevation. On the rear elevation a two storey gable end projection is proposed. A detached garage is also proposed on the north boundary. This would be similar in form to the garage serving No. 28 to the north. The proposal is considered to reflect the form of surrounding development (in particular the detached property to the north of the site) and the proposed materials reflect those traditionally used in the adjoining conservation area.

### Impact on Conservation Area

The proposal would be set to the rear of the public house between and in line with two existing properties. The property to the north is two storey and constructed from brick with a tiled roof while the one to the south is single storey with mainly rendered elevations and a slate roof. Properties to the north are predominantly brick and tile with those to the south predominantly slate and render.

The brick wall where the opening is proposed for the driveway makes little contribution to the character of the Conservation Area and only a small length of this would require removing.

The proposed dwelling is located in the large beer garden and is read more in conjunction with the suburban development to the north and east. It is considered that a dwelling in the proposed location would have limited impact upon the Conservation Area and indeed would to a certain extent screen views (from the south) of the more modern development to the north of the pub.

The more prominent aspect of the scheme, in terms of its impact on the Conservation Area, will be the entrance gates and piers at the proposed driveway entrance. In this case the proposed design would provide a fairly simple treatment that would retain the sense of enclosure currently offered by the wall.

### Impact on Neighbouring Occupiers

The proposed dwelling would infill a gap between the properties to north and south. The existing boundary wall to the south is constructed close to the neighbouring bungalow at a height of approximately 2 metres. It is not considered therefore that the proposed dwelling would have any increased impact on this property. The driveway would run to the rear of these properties but the level of use is likely to be such as to not impact upon amenity, particularly with regard to the use of this area at present as part of the pub's garden.

No windows are proposed in the elevation facing the property to the south. To the north there is one window proposed at first floor level and one at second floor level facing the neighbouring property, the first floor window serving an ensuite and the second floor window a loft room. It is considered that it would be reasonable to obscure glaze these windows by condition if permission were to be granted. The neighbouring property has no windows in its south elevation and therefore overlooking/loss of privacy is not an issue in this regard. The neighbouring

property to this side also has a conservatory on its east elevation but the proposal is set back from this and is unlikely to result in any significant loss of light. Some overlooking of the rear garden area would be possible from the first floor window to the proposed bedroom but this would not be any greater than might be expected in such situations.

In order to subdivide the site from the public house a 1.8 metre high rendered wall is proposed along the entire length of the western boundary. This wall would come in close proximity to windows in the east elevation of the pub and may affect light to these for certain parts of the day but this would be during the early part of the day when the rooms are unlikely to be in use. The subdivision of the site would also reduce the outdoor seating area to the pub. The parish council's comments are noted in this regard but some outdoor space would remain and it is noted that there are further garden/seating areas in front of the pub and potentially to the north west side.

### Access

The proposed access drive would link to that serving the public house and would be separated from it by a new gate set within the existing wall. Subject to the driveway, parking and turning areas being laid out prior to the occupation of the dwelling the highways authority has raised no objection.

### Impact on trees of amenity importance

There are six trees on this site which could be affected by the proposed development. Only one of these trees is situated within the Conservation Area, this is a flowering Cherry located to the front of the Public House. The trees do however provide potential screening of the proposal and would help to assimilate the dwelling within its setting, further tree planting as part of a required landscaping scheme would further assist in this regard. Subject to a condition requiring the protection of trees prior to, during and after construction it is considered that the proposal could be carried out without detrimental impact on retained trees.

### Other issues

If the application were approved the dwelling created would generate a requirement for contributions towards the provision and/or maintenance of public open space. Such contributions would need to be secured through. The other concerns raised by the Parish Council with regard to the loss of the beer garden is not sufficient to warrant a refusal of planning permission.

## **CONCLUSIONS**

The application relates to part of the large beer garden to the northeast of the Thirsty Farmer public house. The site itself is considered to be of an appropriate size to accommodate a dwelling and the proposed siting is in keeping with surrounding pattern of development. The form and massing of the dwelling would reflect that of nearby residential properties and the detailed design and proposed material finishes are considered appropriate. Subject to conditions as set out below the application is considered acceptable and is recommended for approval.

## **RECOMMENDATIONS**

**APPROVE** subject to the applicant entering into a legal agreement to secure a contribution towards the provision and maintenance of public open space in the locality and the following conditions:

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been 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.)

2. All new windows and doors indicated on the approved plans shall be recessed within their respective elevations and made of timber only and no other materials, and be painted, unless otherwise agreed in writing by the Local Planning Authority

(Reason – In the interests of the preservation and enhancement of the conservation area)

3. All new barge boards, soffit boards, fascia boards and external cladding shall be in timber only and no other materials and shall be painted, unless otherwise agreed in writing by the Local Planning Authority.

(Reason – In the interests of the preservation and enhancement of the conservation area)

4. No development shall take place until further details of the rainwater goods proposed have been submitted to and approved in writing by the local planning authority.

(Reason – In the interests of the preservation and enhancement of the conservation area)

5. No development shall take place until further details of the gate pier construction and gates including: details (and where required samples) of the proposed coping stone and details of the final finished colour of the gates have been submitted to and approved in writing by the local planning authority.

(Reason – In the interests of the preservation and enhancement of the conservation area)

6. A turning area, garage/hardstanding and access drive shall be laid out, properly consolidated/surfaced, and maintained for those purpose in accordance with the approved plans prior to the development first being brought into use.

(Reason - To ensure the provision of adequate facilities within the site for the traffic generated by the development.)

7. No development 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 additional trees, shrubs to the eastern boundary of the site and driveway
- details of the finished surfacing materials of the driveway (including where required material samples).

The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and 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 - In the interests of amenity and to preserve and enhance the character and appearance of the area.)

8. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in National Joint Utilities Group (NJUG) Publication Number 10 1995.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 and south elevations of the building.

(Reason - To protect the privacy of adjoining occupiers.)

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed.

(Reason - To protect the privacy of adjoining occupiers.)

#### Reasons for Approval

The proposal complies with the Devon Structure Plan 2001-2016 policies: C06 and C07

The proposal complies with the East Devon Local Plan 1995-2011 policies: D1, EN16, RE3 and TA6

The proposal does not adversely affect the privacy and/or amenity of neighbouring occupiers

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

The proposal does not harm the character and appearance of the conservation area.

#### Approved plans

CN04: 5700-01 rev. A

#### List of Background Papers

The file containing all letters, consultations, and documents referred to in the report.