

EXMOUTH LITTLEHAM
(Exmouth)

08/1025/FUL

Target Date: 09.06.2008

Applicant: Mr & Mrs Jackson

Location: 13 Colvin Close
Exmouth
EX8 2HN

Proposal: Erection of dwelling

CONSULTATIONS

County Highway Authority

The proposal is for the erection of a dwelling in the grounds of 13 Colvin Close in Exmouth. Vehicular access would be via the existing driveway of 14 Dunsford Close. In principle I have no objection to the proposal but in detail I have concerns about vehicle/pedestrian intervisibility at the existing driveway. At the point where the driveway meets the highway there is a narrow frontage footway with a public footpath running parallel to the driveway. The proposal is likely to increase the use of the driveway and the opportunity to improve visibility should be taken. This could be achieved by providing a 2x2 metre splay at the southeast corner of the driveway and a 2 metre section of open fencing between the driveway and public footpath on the northwest corner. I recommend that a condition be imposed in any grant of planning permission requiring vehicular/pedestrian intervisibility splays to be provided in accordance with details to be submitted.

Recommendation

APPROVE with the following condition:

1. No part of the development hereby permitted shall be commenced until pedestrian/vehicular intervisibility splays have been laid out, constructed and thereafter maintained for that purpose in accordance with details that shall have been submitted to, agreed and approved in writing by the Local Planning Authority.
REASON: To safeguard pedestrians by providing adequate visibility.

TOWN/PARISH COUNCIL

Objection on the following grounds:-

- Access insufficient via narrow lane
- Dunsford Close too narrow
- Described as bungalow but actually a split level house
- Overlooks neighbouring properties which will be exacerbated by glass balconies
- Trees already removed and grubbing out of roots will lead to possible instability of land on steep slope
- Too large for site
- Ground conditions unsuitable for excavation
- Surfacing of a large area will lead to flooding problems off site
- Contribution to water supply concerns and sewerage overloading in the area
- Disturbance of wildlife
- Out of keeping with the Avenues Design Statement

WARD MEMBER(S)

The initial comments of the Ward Member are -

"I object to this application as submitted although I consider that the site is sufficiently large to accommodate a new dwelling. My objection is that the two storey nature of the development with the proposed fenestration and balconies on the east elevation will, inevitably, result in overlooking the gardens and windows of houses in Douglas Avenue. A revised plan could avoid this potential harm to the amenity of neighbours to the rear. I am also concerned about the possibility of landslip in view of the height difference between the site and Douglas Avenue."

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

REPRESENTATIONS

Objections

13 letters have been received raising the following points:

- Ground conditions unsuitable
- Drainage problems
- Removal of trees on site effect on visual amenity and wildlife
- Scale out of keeping
- Overlooking in particular the balcony on east elevation
- Devaluation of existing properties
- Incorrect description of bungalow
- Building material render out of keeping

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
08/0272/FUL	Conservatory	Approved	28.03.2008
07/3203/FUL	Demolition of garage and conservatory, extension to rear, garage and new dormer windows	Approved	17.01.2008
07/1181/FUL	Single storey rear extension	Approved	28.06.2007
06/3356/FUL	Single storey rear extension	Refused	07.02.2007

PLANNING POLICIES

Government Guidance

Planning Policy Statement 3 - Housing
The Code for Sustainable Homes
Draft Regional Spatial Strategy for the South West

Devon County Structure Plan (2001-2016)

Policy ST1 – Sustainable Development

Policy ST15 – Area Centres
Policy C06 – Quality of New Development
Policy CO11 – Conserving Energy Resources
Policy CO13 – Protecting Water Resources and Flood Defence
Policy TR4 – Parking Strategy, Standards and Proposals
Policy TR10 – Strategic Road Network and Roadside Service Areas

East Devon Local Plan (1995-2011)

Policy S2 – Built-up Area Boundaries for Area Centres and Local Centres
Policy S4 – Development within Built-up Area Boundaries
Policy D1 – Design and Local Distinctiveness
Policy D2 – Sustainable Construction
Policy D4 – Landscape Requirements
Policy D5 – Trees on Development Sites
Policy EN6 – Wildlife Habitats and Features
Policy EN21 – Surface Run-Off Implications of New Development
Policy RE3 – Open Space Provision in New Housing Developments
Policy TA1 – Accessibility of New Development
Policy TA7 – Adequacy of Road Network and Site Access
Policy TA9 – Parking Provision in New Development

Design Statement The Avenues Exmouth

SITE LOCATION AND DESCRIPTION

The site is located to the southeast of the Area Centre of Exmouth towards Littleham. The site is currently accessed from a foot path linking two cul de sacs. The proposal is described as being located at 13 Colvin Close as it is in the rear garden of 13 Colvin Close however the proposed access is from 14 Dunsford Close. The main characteristic of the site is its raised position and the change in levels across the site and towards all surrounding properties. The land drops away sharply to the north and east.

PROPOSED DEVELOPMENT

The proposal seeks to erect a dwelling on the site which, due to levels on the site, will appear as a single storey building from the west with two storey east elevation. Access to the site is proposed using the existing access at 14 Dunsford Close and will involve the removal of the existing garage.

CONSIDERATIONS AND ASSESSMENT

Background

The site has always been part of the garden of number 13 Colvin Close. Initially laid to lawn, the previous owners carried out substantial planting on the site. Much of the planting and trees have been removed by the current owners. The site is not in a conservation area and none of the trees were protected by a Tree Preservation Order therefore the owners were within their rights to carry out such works. The Arboricultural Officer did visit the site following a complaint from a near neighbour requesting the trees to be preserved however, much of the works had already been carried out and it was felt a Tree Preservation Order was not suitable.

The situation now is that Number 13 Colvin Close and Number 14 Dunsford Close are all under the same ownership. The proposal is to erect a two storey dwelling with the access off Dunsford Close.

Highways

On plan the site appears to be able to accommodate an additional dwelling and the Highways Authority have raised no objections to the access or parking and turning area. The site is well defined with either mature planting and/or fencing on each boundary.

The Avenues Design Statement

The site is within the area covered by The Avenues Design Statement however it is not in the principle area but towards the eastern end. The site itself is not visible from any public vantage point being tucked in behind existing properties. There is a pedestrian walkway that runs along the western boundary of the site but a 2 metre high panel fence prevents any views into the site therefore it can be said that the site does not contribute to the character of the area. In addition the character of the area is for residential development set back from the road slightly but still highly visible and typical housing estate layout with brick and tile bungalows dominating Dunsford Close and bungalows and houses on Colvin Close.

Levels

The design of the proposed house combines elements of the surrounding properties. From the west elevation it is viewed as a bungalow and from the east a two storey dwelling. This is possible due to the steep slope of the site that drops away to the east and north by nearly 4 metres. Several letters of objection raise concern over the change in levels and suitability of the land for further development, the loss of vegetation and subsequent impact on wildlife and drainage in the area. Taking these in turn land stability and safe construction of the dwelling would be dealt with under Building Regulations. The Arboricultural Officer has confirmed that the works to remove the vegetation did not require any permission. In addition the presence of large trees does not stabilise land, in fact to the contrary, the root systems of mature trees can break up the soil. Smaller vegetation such as the original grass covering would have done more to bind the soil and prevent erosion. As for the impact on wildlife Policy EN6 of the adopted East Devon Local Plan relates to important wildlife habitats. Whilst it may be regrettable to lose the existing vegetation a preservation order was not felt to be appropriate. The site is not an important wildlife habitat or even a link or buffer between designated wildlife sites but a relatively small residential garden part of which will be retained as garden area. It is accepted however that insufficient information has been received with the proposed application to ensure suitable landscaping to soften the impact of development and protect the privacy and amenity of neighbours. The conifer hedge on the eastern boundary does not hold high amenity value but does provide screening to this boundary. If minded to approve further details of the landscaping including identifying trees to remain, protection throughout development as well as details of the boundary treatment would be required. The applicant states that surface water would be dealt with by soakaway specific detail of which would be determined by Building Regulations however in this instance it is felt that given the change in levels on the site and possible impact on adjacent neighbours that further detail should be submitted for further approval to ensure adequate provision for surface water drainage.

Impact on Residential Amenity

At first glance the proposal seems very imposing. The east elevation is large in scale with a balcony that runs the full length at first floor level. The house takes advantage of the slope of the site therefore the first floor extends from the existing ground floor level. The nearest neighbours number 63 and 65 Douglas Avenue are 26 metres from the nearest edge of the proposed development. They are also set down at a much lower level. It is considered that once built any occupier of the proposed development would look out over the top of the existing properties but would not overlook into the properties or their gardens. The natural line of view tends to be towards the horizon and the proposed development is of such a distance from existing properties that it is felt that there would be no detrimental impact on privacy or overlooking. To the north the

land drops away again and number 13 Colvin Close is quite detached from the site. The proposed building is 20 metres away with some mature planting remaining along the southern boundary of number 13 with the site.

If anything the only detrimental impact that could be attributed to the development would be the noise and vibrations of vehicles movement along the western elevation of No 14 Dunsford Close where the new drive is to be created. Last year planning permission was granted on Number 14 Dunsford Close to build an extension on the property. The current situation is such that there are no windows to habitable rooms to the west of the existing property. In order to create the driveway for the new property the garage of number 14 would have to be removed resulting also in the loss of the conservatory which is attached to it. If the extensions are carried out as approved this would result in a dining room window on the west elevation at ground floor level and two rooflights to the kitchen and dining area. What needs to be considered is whether vehicle movements in close proximity to these windows would be of such a level to warrant refusal on this basis. The rooflights are at a sufficiently high level to reduce any noise or vibration from passing vehicles. The bathroom window at first floor level is not a habitable room therefore the level of harm would not be significant. Evidence from previous appeals in the local area relating to noise impacts of vehicle movements on neighbouring properties suggest that in this case there would not be sufficient harm to neighbour amenity to warrant refusal. The current situation is such that the proposal would not harm the existing building. The driveway does not pass the main part of the garden or amenity area of number 14 Dunsford Close where occupiers might sit outside. It runs to the side of the property as opposed to the front or private garden area and it is only proposed for one dwelling. Finally vehicles currently use part of this area to drive and park in the garage. Therefore the issue is the extension of this driveway and the impact on the dining room window if the extension is implemented as approved. It is felt on balance that the harm from one additional dwelling and vehicles movements it would create are not of sufficient harm to warrant refusal on this basis.

Sustainable Construction

Policy D2 of the adopted East Devon Local Plan relates to Sustainable Construction of new development. The Code for Sustainable Homes was published in December 2006. The Code for Sustainable Homes gives a measure of the sustainability performance of a home graded from 1 – 6. It includes standards for energy and water use at each level. From 1st May 2008 the Code becomes mandatory and all new homes will have to be rated against it. No specific detail has been submitted with the application relating to sustainable construction or the proposed rating of the building if minded to approve further details could be requested by condition.

Public Open Space Contribution

Policy RE3 of the adopted East Devon Local Plan requires that all new dwellings contribute towards formal and informal play spaces in the locality to account for the additional demand that an additional household would place on them. This requirement can be met through a Section 106 or Unilateral Undertaking. A draft copy of the Unilateral Undertaking has been sent to the agent but at the time of writing no signed copy has been returned.

CONCLUSIONS

On paper the proposal does seem large and overbearing particularly from the east elevation. When the levels of the site are taken into consideration and clearly understood and distance from the nearest neighbouring properties to the east are taken into account it is felt that the proposal would not harm the privacy or amenity of neighbouring properties. Conditions to control landscaping to ensure continued screening to all boundaries can be imposed. There are no objections on highway grounds, with a collection of single and two storey properties in the area the design is not out of keeping in addition the site is not highly visible. In order to justify refusal of the proposal the Local Planning Authority would have to identify the harm it would cause. On

balance it is felt that the proposal would not cause significant harm sufficient to justify refusal. It is therefore recommended for conditional approval.

RECOMMENDATION

APPROVE subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- public open space contribution

and the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. No part of the development hereby permitted shall be commenced until pedestrian/vehicular intervisibility splays have been laid out, constructed and thereafter maintained for that purpose in accordance with details that shall have been submitted to, agreed and approved in writing by the Local Planning Authority.
(Reason - To safeguard pedestrians by providing adequate visibility.)
3. No development shall take place until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include provision for tree and shrub planting, hard landscaping and any walling, fencing or other boundary treatment. The landscaping scheme shall be implemented in accordance with the approved details within one year of the substantial completion of the development. Any plants or trees which, within five years from the date of the substantial completion of the development, die, become in the opinion of the local planning authority irrecoverably diseased or damaged or are removed, shall be replaced during the next planting season following their demise with specimens of a similar size and species unless agreed otherwise in writing by the Local Planning Authority.
(Reason – In the interests of the character and appearance of the area and to protect the privacy of neighbouring properties.)
4. No development shall take place until details of the surface water drainage of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.
(Reason – To ensure adequate provision for surface water drainage of this steeply sloping site in accordance with Policy EN21 of the adopted East Devon Local Plan.)
5. No development shall take place until details of a scheme for sustainable construction of the dwelling with an aim to obtain Sustainable Homes Code level 3 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the dwelling is occupied.
(Reason: To encourage sustainable construction of the development in accordance with the aims of Policy D2 of the adopted East Devon Local Plan.)
6. The garage hereby permitted to be provided shall be kept available for the parking of a car at all times.
(Reason – To ensure that adequate parking provision and turning area remains available.)

7. Notwithstanding the provisions of Article 3 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 development of the types described in Classes A, B and E (which includes enlargement, improvement or other alteration and provision in the curtilage of any building or structure) shall be undertaken on the premises, other than hereby permitted, or unless the prior written consent of the Local Planning Authority has been obtained.
(Reason – The Local Planning Authority is not satisfied that further development could take place on the site without detriment to the amenities of the neighbouring properties.)

Informatives

1. Your attention is drawn to the accompanying legal agreement in respect of the Public Open Space contribution in accordance with Policy RE3 of the adopted East Devon Local Plan.

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001-2016 Policies ST1, ST15, C06, CO13, TR4, TR10
2. The proposal complies with the adopted East Devon Local Plan 1995- 2011 Policies S2, S4, D1, D2, D4, D5, EN6, EN21, RE3, TA1, TA7, TA9.
3. The proposal does not affect the privacy or amenity of neighbouring properties.
4. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.
5. The proposal is contained within the defined built-up area boundary of the settlement.

List of Background Papers

Application file, consultations and policy documents referred to in the report.