

Committee Date:25.08.09

BROADCLYST
(Rockbeare)

09/0222/FUL

Target Date: 10 July 2009

Applicant:

Mr G Holding

Location:

The Firs Rockbeare

Proposal:

Demolition of existing bungalow and construction of 3 no. two storey dwellings

CONSULTATIONS

County Highway Authority

This application requires Standing Advice (see report below for further comments)

Natural England

No objection

PARISH COUNCIL

The Parish Council object to this application for several reasons;

The site being only approximately 20 metres wide by 27.5 deep, the proposed development of three dwellings would be over crowded allowing insufficient space for parking and turning. Furthermore any development on this site should be in line with existing adjacent properties and the building line not breached.

Due to the location of the property adjacent to the proposed Cranbrook development and on a busy road we feel the car parking has been understated, at the moment residents are already parking in the lay by and along the grass verges to this property. By the very nature of the restricted parking on the site three residents and two visitor parking any extra vehicles that enter the development will necessitate having to reverse onto London Road with a potential risk of an accident. We feel a more realistic parking and turning solution should be sought. At present, public transport is inadequate for residents to use for business or to travel to schools or even shopping. Two car households are normal in more rural areas and this should be acknowledged.

The proposal to contain surface water run off is admirable but possibly unobtainable due to the nature of the ground structure and also containing it on a small site. The public sewer system is already, or appears to be at capacity to have two extra properties connected, this may overburden an already heavily used and tired system.

There should be consideration to allow storage, for waste collection on site, as when the refuse collection takes place there is already congestion on the pavements with bins and bags

WARD MEMBER(S)

The initial comments of the Ward Member Cllr D Button are -

“As it stands I think that the application may represent overdevelopment of the site and I will try to take the opportunity to visit the site and assess whether there would be an unacceptable impact upon the neighbouring dwelling. “

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

4 letters have been received raising the following points:

- Previous permissions refused on the basis of inadequate drainage – there remains insufficient capacity
- Concern about highway access and the degree of visibility that can be provided
- Insufficient onsite parking provided for the proposed houses
- The application makes no provision for disabled spaces
- Surrounding buildings are of brick not white render therefore development will appear out of keeping
- Buildings of different height within area of uncertain flood risk.
- Development will reduce wildlife conservation value of the area
- Proposal represents over development
- Development would result in loss of privacy to the neighbouring property

RELEVANT PLANNING HISTORY

None relevant

PLANNING POLICIES

Government Guidance

PPS 1 Delivering Sustainable Development

Devon Country Structure Plan (2001-2016)

ST1 - Sustainable development

ST5 - Development Priority

CO6 - Quality of New Development

East Devon Local Plan (1995-2011)

S5 - Countryside Protection

D1 - Design and Local Distinctiveness

RE3 - Open Space Provision in New Housing Developments

TA7 - Adequacy of Road network and site Access

TA9 - Parking provision in new Development

PUA1 – New Community

SITE LOCATION AND DESCRIPTION

The existing property is a single storey bungalow set back within its plot. The property which has a pitched and hipped roof also has a flat single storey section to one side.

Despite being in the open countryside (outside any established development boundary), the property has immediate neighbours comprising a two storey dwelling (brick built), a bungalow to

the rear with access drive to the side of the application site and a further bungalow on the far side of the access drive. The bungalow to the rear has two bedrooms facing towards the site

PROPOSED DEVELOPMENT

The application proposes the demolition of the existing property, and its replacement with three no. 2 storey dwellings. These would have a shared parking turning area and access with designated parking spaces allocated at the front of the side. Rear gardens would be divided by fencing. In addition it is proposed to construct a bin storage area to the front of the property along the boundary with the neighbouring property.

It is to be noted the indicative landscaping shown along the dividing driveway between the site and the neighbouring property, does not appear to be in the control of the applicant.

CONSIDERATIONS AND ASSESSMENT

The main issues with the application concern the principle of development, its impact on the character and appearance of the area, the amenity impact on neighbouring properties, and highway safety.

Principle, Character and Appearance

In terms of the principle of development the area is considered open countryside where the policy presumption would usually be against the provision of new development. However Policy PUA 1 which is essentially concerned with the new community (Cranbrook), has a clause that states:

“Where existing development in the form of small groups of dwellings or buildings immediately abuts the new community boundary small scale infill development will be permitted subject to it:

- i. being compatible with the other land use policies
- ii. creating a form of development that integrates with the new community proposals; and
- iii. not compromising the aims and objectives of new community development.”

In this instance the site itself is surrounded by a number of other properties to both sides and the rear. The clustering of the properties in this area which is on land immediately opposite land in the Cranbrook community site (separated only by the old A30) makes the securing and retention of the open countryside principle extremely difficult to justify in this instance. Given the acceptance of infill development within policy and as this site is a classic infill style plot, the principle for development is on balance considered acceptable.

In terms of the impact on the character of the site the area already exhibits a mixed design, scale and massing. The positioning of two storey dwellings in a plot that is sandwiched between an existing two storey dwelling and a bungalow is not considered significantly harmful or intrusive. Further the positioning of the three proposed properties set slightly forward of the neighbouring property, is not considered harmful, as there is a significant set back distance between the road and property frontage.

The design and finish of the properties attempts to reflect the character of traditional cottages with a relatively low eaves level and front dormer windows. While there is a listed cottage further to the west, the properties within the immediate vicinity are of limited architectural integrity and the current proposal is considered acceptable. The stepped roof line across the development helps to tie across between the two storey dwelling to the east and the bungalow to the west.

Concerns have been raised both by the Parish Council, neighbours and the Ward Member that the development represents over development. While three properties is a significant increase

on the single dwelling currently found on site, it is noted that the development would still maintain parking at a ratio of 1 space per dwelling (with 2 visitors space) together with rear private gardens measuring more than 40m² in area. In this regard and in considering the type and nature of development found in the local area it is considered difficult to justify the objections or substantiate them in the event of an appeal.

A further issue that became apparent at the site visit is that the landscaping shown to the front of property and that screening the proposed bin storage would take place on land outside the applicants control. The bin storage would therefore be visible. This aspect is considered to be harmful and unsightly, although not sufficient to withhold permission in itself. If the application is approved, alternative bin storage and landscaping should be secured by condition.

Neighbour amenity

As already identified, properties to either side of the proposed development are of a two storey dwelling and bungalow respectively. In terms of the relationship to the two storey dwelling, there are no dominance or overlooking issues that are likely to cause harm. This is because of the neighbouring dwelling which is itself 2 storey and the fact that the side window proposed in the development would serve a bathroom and can therefore be fitted with obscure glazing. While the development is slightly higher than the bungalow it is considered that the separation distance is sufficient to mitigate for dominance. Overlooking can be treated in the same manner as the opposite side elevation where a bathroom window could be fitted with obscure glazing. This aspect can be managed by condition.

The relationship to the bungalow to the rear has been the subject of significant scrutiny as the originally proposed dormer windows would have caused unacceptable overlooking. To overcome this identified harm, the agent has submitted amended plans which removes the rear dormers and replaces these with rooflights. Due to the height and nature of the rooflights, only limited views will be obtained. Provided permitted development rights are removed in respect of rear dormer windows (which could otherwise be reinstated under permitted development when the dwellings are occupied), it is now considered that no harmful impacts result. In terms of the separation distance and despite the greater mass of development that the three dwellings would present it is not considered that there is sufficient harm in terms of dominance to resist the application.

Highway Safety

The Local Highway Authority have assessed the application and suggest that standing advice is applied. In this instance the number of spaces provided accords with policy provision. In recognising the development as providing a private driveway serving no more than three dwellings in a parking courtyard arrangement, it is noted that the driveway width should be 6m. The proposal falls a little short of this and therefore technically is contrary to guidance. However, visibility can be achieved across the existing pavement and provided there are splays provided to ensure visibility of pedestrians, it is considered that this aspect is acceptable.

Provision of Recreation Facilities

Policy RE3 of the local plan requires that where new development is likely to place additional pressures on local resources and it can be demonstrated that there is a shortfall in provision, an off site contribution can be secured through the planning process. The applicants have submitted a Unilateral Undertaking in this instance to secure such provision although as the site lies within an open countryside location, it is not normal practice to require such contributions. However it is considered reasonable that these should be required given the accepted policy arguments that the scheme is acceptable due to its relationship to Cranbrook where facilities will be provided and contributions can be spent.

Other Issues

It is noted that within the submission made by neighbours, significant concern has been raised in respect of drainage. While this was a previous concern in 1986 a significant period of time has now elapsed and under the current scheme South West Water have not raised objections. Without their support objections could not be sustained. In addressing this concern the applicants (through their agents) have indicated that they propose to use a private sewage treatment plant. This matter can be further considered and managed through any subsequent Building Regulation application.

CONCLUSIONS

While this site would normally be considered as open countryside the clustering of dwellings around it and its proximity to the Cranbrook site, means that policy permits small scale in fill development. In this instance and as all other matters are now considered acceptable (including the potential for overlooking to the bungalow to the rear, which has been amended during the processing of the application), no objections are raised in respect of the development.

RECOMMENDATION

APPROVE subject to the submitted Unilateral Undertaking (as an agreement under Section 106 of the Town and Country Planning Act 1990) which secures:

- a 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 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 trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. 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.)
3. Notwithstanding the submitted plans, if a bin storage unit is to be provided it shall be sited away from the side boundary to allow additional landscaping to be planted on the boundary. A revised site plan and landscaping scheme shall be submitted to and agreed in writing with the Local Planning Authority.
(Reason - To ensure that the bin storage area is unduly prominent within the street scene and enable screen planting to be provided.)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (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 at first floor level or above in the rear elevations of the dwellings hereby permitted.
(Reason - To protect the privacy of adjoining occupiers.)
5. Before the dwellings hereby permitted are occupied the first floor windows on the side elevations shall have been glazed with obscure glass and the obscure glazing of these windows shall thereafter be retained at all times.
(Reason - To protect the privacy of adjoining occupiers.)
6. The visibility splay shown on the approved drawing shall be kept permanently clear of all obstructions greater than 900 mm high.
(Reason - In the interests of highway safety.)
7. Before the driveway hereby permitted is brought into use a pedestrian visibility splay measuring 2 metres by 2 metres shall be provided on the west side of the junction between the driveway and the rear of the footway, and thereafter this area shall be kept clear of all obstructions more than 600 mm above ground level.
(Reason - To provide adequate visibility for and of pedestrians in the interests of highway safety.)

Reasons for approval

The proposal complies with the Devon Structure Plan 2001-2016 policy CO6 (Quality of New Development).

The proposal complies with the Adopted East Devon Local Plan 1995-2011 policies D1 (Design and Local Distinctiveness), PUA1 (New Community) and TA7 (Adequacy of Road network and site Access)

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

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

List of Background Papers

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