

NEWTON POPPLEFORD 05/1827/OUT  
AND HARPFORD

03.12.05

Applicant: Mr & Mrs Hudson

Location: High Nooke, Littledown Lane  
(NGR: 30775189295)

Proposal: Erection of one bungalow (plot one)

### **Consultations**

County Highway Authority  
Objection

Environment Agency  
No objections

South West Water  
No objections

### **Representations**

14 letters of objection have been received with respect to the applications (05/1827 & 05/1828).

### **Summary of objections**

- Concerns over highway safety / lack of visibility.
- Land has clearly been contaminated in the past with buried sheep and chickens and lately stable muck.
- The bank belonging to No. 29 will not support heavy traffic on the proposed drive into the building plot.
- The entrance is much higher than the ground on which No. 29 is sited.
- Any development should be single storey not chalet-style housing.
- No windows should face east to overlook the properties in Littledown Orchard.
- Drainage issues.
- Loss of privacy
- Close proximity of proposed access would spoil the enjoyment of occupiers.
- Detract from the AONB.
- Loss of wildlife habitat
- Overdevelopment
- Overlooking
- Given the percentage of homes for sale – is additional housing required?
- Loss of trees prior to the application being submitted.
- Loss of light / overshadowing

### **Planning History**

App. No	Year	Proposal	Decision
P2288	1997	Timber building for use as stable tack room	Approved
P1621	1997	Rear extension and replacement conservatory	Approved
P1828	2005	Erection of one chalet bungalow (plot one)	Pending

### **Parish Council**

The Parish Council recommends refusal on the following grounds:

1. The site borders the AONB to the north it would appear to not enhance or preserve an area adjacent there to.
2. The site by its very nature is narrow and is situated on higher ground to those properties in Littledown Orchard by some 8 feet.
3. Overlooking is a concern particularly onto bedroom and bathrooms.

4. It is considered that should development be approved only a bungalow or 2 should be considered.
5. The access to Littledown Lane is a very busy road that appears inadequate without the required visibility.
6. It could be described as 'backland' development.
7. Concern was expressed as to drainage both foul and surface water as drains in the area are suspect.
8. Increased use of substandard road layout causing danger to all road users.

### **Ward Member**

The Ward Member Councillor Merritt states that whilst there are reservations about the proposals to build 2 additional dwellings in the back garden of this site, one additional dwelling would be more appropriate. However, as seen at the Moor View site in Newton Poppleford High Street, the use of a shared drive serving all 3 dwellings has been found acceptable on appeal, and this is onto the very busy A3052 main road. At Littledown Lane the road is very little used, and with appropriate improvement to the visibility splay this should be able to accommodate the additional traffic movements.

At this stage my feeling is that the proposal should be approved for 1 dwelling only. Conditions should be imposed:

1. Single storey/bungalow
2. No windows on the eastern side (i.e facing the houses in Littledown Orchard). If it is found that windows are needed then these to be obscure glazed and not openable.
3. The access drive to be constructed or tarmac or similar material and not gravel. This is in the interests of minimum noise/disturbance to the residents of Littledown Orchard.

Furthermore, (subject to verification) the drains in Littledown Orchard have not been adopted by South West Water and are already starting to break down. I am told that these are made of pitch-fibre. It is requested that SWW confirm the status of these drains. Assuming that a dwelling is eventually constructed at the northern end of the proposed site, this is lower than High Nooke so the preferred drainage might be towards Littledown Orchard. If the drains in Littledown Orchard are privately owned there is likely to be a problem with connection.

### **Location**

The application site forms part of the rear garden of High Nooke which is a detached residential dwelling. The site is located to the south west and within the built up area boundary of Newton Poppleford. It is also designated within the East Devon Area of Outstanding Natural Beauty. The site is accessed off Littledown Lane which leads onto the Exmouth Road to the east. To the east the side boundary of the site adjoins the rear boundary of residential properties located in Littledown Orchard. These dwellings are characterised by a mixture of semi-detached chalet bungalows and traditional bungalows. The ground levels drop considerably from the application site to those properties located in Littledown Orchard. The land continues to rise from east to west. There is a detached garage set back and situated to the east of the property which is served by a single width access. The existing access to High Nooke features a stone curved stone wall with additional planting above. There is a retaining wall along the east boundary of the site with No. 29 which appears to be in need of additional strengthening.

### **The Proposed Development**

The application originally sought the erection of one chalet bungalow within the proposed curtilage. The application therefore seeks outline permission for one bungalow on the site referred to as plot 1.

Members will be aware that a separate application (05/1828) for Plot 2 is also put before them for determination. Effectively there are two applications each for a single dwelling with the rear garden of Higher Nooke which would be divided up with an access drive leading past High Nooke to serve each individual property.

### **Planning Policy**

- PPS1 – Delivering Sustainable Development
- PPG3 – Housing

### **Devon Structure Plan 2001-2016**

- C06 - Quality of New Development
- ST1 – Sustainable Development
- ST5 – Development Priority
- CO3 Areas of Outstanding Natural Beauty
- C011 – Conserving Energy Resources

### **Emerging East Devon Local Plan (Revised Deposit) September 2003**

- D1B (Sustainable Construction)
- D1 (Design and Local Distinctiveness)
- D5 (Trees on Development Sites)
- D4 (Landscape Requirements)
- EN1 (Development in Areas of Outstanding Natural Beauty)
- TA6 (Adequacy of Road Network and Site Access)
- S3 (Development within Built-up Area Boundaries)

### **Observations**

It is considered there are three main issues in the determination of this application. The first relates to any potential adverse impact upon the amenity of neighbouring residents, secondly the visual impact of the proposed development upon the character and appearance of the area and thirdly the impact of the development upon highway safety.

#### **Impact Upon Residential Amenity**

The pertinent issue concerns whether residential development could be accommodated on this site without adversely affecting the amenities of adjoining occupiers. As previously referred to the application site is situated at an elevated position to the rear of properties located in Littledown Orchard and as such it was considered appropriate to require details of the finished floor level and ridge heights in order to fully assess the likely impact of any development. This is in order to make an assessment of the impact of the development upon adjoining residents in terms of whether development would be overbearing or oppressive upon the outlook of adjoining residents. The agent has confirmed that the proposal would now be for a bungalow sited side on to those properties in Littledown Orchard. There is a distance of between 9.0m and 12.0 m between the rear elevations of properties in Littledown Orchard and the east boundary of the site. Due to the orientation of the site the development may give rise to overshadowing to the rear gardens of properties in Littledown Orchard which are relatively small.

In terms of overlooking it is considered that the development could be acceptable if sensitively designed and carefully sited to mitigate any unreasonable loss of privacy.

The second impact on amenity concerns the proposed access track which would serve the proposed dwelling and potentially a second dwelling the subject of a separate application. It is considered that the siting of the access in such close proximity to the host dwelling and to the

rear gardens of properties located in Littledown Orchard would have a detrimental impact upon the living conditions of those residents. The additional comings and goings along the proposed access would result in a significant reduction in the peaceful enjoyment of the homes of adjoining occupiers by reason of noise, intrusive lighting from vehicles and general disturbance which would result in an unneighbourly form of development.

### Character and Appearance

The application site is located within the designated Area of Outstanding Natural Beauty and as such the conservation and enhancement of the natural beauty will be a priority. Particular attention should be made to the retention of trees and natural features. Furthermore, development should pay particular attention to the design and scale of the development. However, should the principle of development be accepted these matters would be dealt with at reserved matters stage to ensure development was assimilated into the area with appropriate landscaping.

### Impact upon highway safety

There have been a number of concerns to the proposed development in relation to highway safety concerns. Whilst the comments of the ward member are noted that the lane is quiet, there have been a number of comments from residents objecting to the increased usage of the road due to its restricted width and poor visibility.

The agent has indicated measures to increase visibility onto Littledown Lane. However in order to obtain the required 33metres visibility as required by the Highway Authority part of the neighbour's frontage to the west would be required as well as the removal of site frontage and wall and bank to the east. The Highway Authority is formally objecting to the intensification of the proposed access arrangements and lack of visibility.

### Drainage

The concerns of the Parish Council and residents with respect to drainage issues are noted. The proposed technical measures to deal with drainage would be assessed by building control. However, there have been no objections in principle from either the Environment Agency or South West Water to the development.

### Contaminated Land

Prior to any works commencing the Contaminated Land Officer recommends that a thorough site investigation be carried out.

### **Conclusion**

In conclusion, whilst the comments of the ward member with respect to a recent appeal decision elsewhere are noted each application is required to be determined upon its own merits. As such each application site is different and the issues involved need to be determined on the merits of the proposed development as assessed against the provision of Local Plan policy.

It is considered for the reasons set out in the report that the application be refused.

**Recommendation**

REFUSE for the reasons given below

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1. On the basis of the information submitted the Local Planning Authority are not satisfied that the development could be accommodated without an adverse impact upon the residential amenity of adjoining residents. As such the development would be contrary to Policy C06 of the Devon Structure Plan 2001-2016 and Policy S3 (Development within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the emerging East Devon Local Plan (Revised Deposit) September 2003.
2. The increased use of the existing access would be likely to lead to conditions of danger and inconvenience because of the lack of visibility for the drivers of emerging vehicles. As such the development would be contrary to Policy C06 of the Devon Structure Plan 2001-2016 and D1 (Design and Local Distinctiveness) and TA6 (Adequacy of Road Network and Site Access) of the emerging East Devon Local Plan (Revised Deposit) September 2003.
3. The proposal would result in undesirable back land development which would intrude into the open space between the existing dwellings and adversely affect the amenities and privacy of the occupiers of adjoining properties and create difficulties and inconvenience with access arrangements. As such the development would be contrary to Policy C06 of the Devon Structure Plan 2001-2016 and S3 (Development within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the emerging East Devon Local Plan (Revised Deposit) September 2003.
4. The proposed access arrangements by reason of its close proximity to 'High Nooke' and the rear of properties in Littledown Orchard would result in an unsatisfactory relationship which would give rise to unacceptable loss of amenity by reason of noise disturbance and lighting from vehicles. As such the development would be contrary to Policy C06 of the Devon Structure Plan 2001-2016 and S3 (Development within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the emerging East Devon Local Plan (Revised Deposit) September 2003.

List of background papers

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