

BEER
(Beer and Branscombe)

07/1345/COU

3 July 2007

Applicant: Jimmy Green Marine

Location: Garages, Higher Meadows, Lanehead Road, Beer

Proposal: Alterations and extension to create dwelling.

CONSULTATIONS

County Highway Authority

Observations:

On the basis that the development proposal for a new dwelling would replace a block (containing two garages and storage area), I consider it would be unreasonable to raise highway objection in that the development is likely to lead to less or a similar volume of traffic being generated compared with the existing lawful uses.

The proposed side by side car parking adjacent to the building may present access problems to the nearby garage, but in this location, the provision of just one car parking space would be acceptable.

Recommendation:

THE DIRECTOR OF ENVIRONMENT, ECONOMY AND CULTURE, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT.

Contaminated Land Scientific Officer

The property is situated in an area of extremely elevated radon (10-30% of homes exceed the NRPB guidelines for safe development at 200 bq/m³). The following condition is recommended to be included for any approval granted.

The development hereby permitted shall not begin until a scheme to evaluate the risk from Radon gas has been submitted and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the LPA dismisses with any such requirement specifically in writing:

- 1) A desk top study carried out by a competent person to identify and evaluate the risk of radon gas concentrations and its migration into proposed structures on the site. Three full copies of the desk top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
- 2) Should a desk top study identify the need for mitigation techniques, a design specification shall be submitted and approved by the LPA, and subsequent works shall be carried out to the satisfaction of the LPA. Two full copies of subsequent investigative reports and validation reports shall be submitted to the LPA without delay upon completion.

Reason: To ensure that risks from Radon gas is removed through development of the site, and to ensure the safety of site-workers and future occupiers or users of the site.

TOWN/PARISH COUNCIL

Beer Parish Council objected to the application on 14 May 2007 on the grounds “*of total lack of parking in an already congested area*”, and also expressed concern about the height of the building. However, the Council withdrew its objection on 3 June 2007, following the submission of additional information indicating the provision of two parking spaces adjacent to the application site. However, it remains concerned about the height of the structure.

WARD MEMBER

Councillor M Green is related to the applicant and has declared an interest in respect of this application.

REPRESENTATIONS

Objections

Four letters have been received raising the following points:

- Decreased light into properties to the north
- Loss of privacy from overlooking windows
- Loss of amenity from cars parked adjacent to adjoining gardens
- Will restrict access into the garages facing the existing garage doors
- Increased pressure in the vicinity from vehicular traffic;
- The current lack of garages and parking areas in Beer;
- New dwelling too close to rear gardens of Clapps Lane.
- Contrary to Beer Village Design Statement

RELEVANT PLANNING HISTORY

App. No.	Year	Proposal	Date and Decision
92/P1254	1992	Conversion of existing double garage and office to bungalow & new roof.	Refused 27.10.1992

PLANNING POLICIES

Government Guidance

PPS1 Delivering Sustainable Development
PPG 3 Housing

Devon Structure Plan 2001-2016

ST1 - Sustainable Development
ST5 - Development Priority 2001 – 2016
ST16 – Local Centres and Rural Areas
CO6 – Quality of New Development

East Devon Local Plan 1995 - 2011

S3 - Built-up Area Boundary for Villages

S4 – Development within Built-up Area Boundaries

D1 - Design and Local Distinctiveness

D2 - Sustainable Construction

Beer Village Design Statement

SITE LOCATION AND DESCRIPTION

These garage premises stand in a residential area and measures approximately 8m x 12m. They are approached by a steep, narrow private lane which serves several other properties (dwellings, workshops and garages) in this area. The curtilage associated with the building is small and is traversed by a private right of way leading to another dwelling. The garages are located to the rear of terraced properties on the south side of Clapps Lane. The application site lies directly adjacent to the gardens of 1- 4 Highfield Terrace, Clapps Lane.

PROPOSED DEVELOPMENT

The proposal is to change the use of a flat roofed double garage to a two bedroom dwelling under a pitched slate roof. The existing garage building measures approximately seven metres square. The proposed dwelling involves the construction of a gable wall to replace the two garage openings on the south-west elevation and also a new gable end wall to the north-east elevation to slightly reposition this wall and support the pitched roof. The two flank walls (including the one facing directly the rear gardens of Clapps Lane terraced houses) will remain unaffected by the development. The proposed dwelling is on two floors with a new upper bathroom window on the north-eastern elevation and three new windows on the south-western elevation (2 bedrooms and 1 lounge) facing the car parking space and neighbouring garage.

CONSIDERATIONS AND ASSESSMENT

The issues relevant to the determination of this application are:

- The amenity of neighbouring land users
- Design, scale and appearance of the proposed development
- The amenity of the application site
- Highway issues

Amenity of neighbouring land users

Neighbours have commented on a number of elements of the proposal with regard to amenity. Their principal concern relate to overlooking from the windows of the proposed dwelling. Whilst the plans indicate that there are no windows on the proposed elevation directly adjacent to the neighbouring properties, the windows on the proposed gables of the building allow views of the rear elevations and gardens of several properties on Highfield Terrace.

The windows on the north-eastern elevation serve the proposed bathroom and dining room, and the windows on the south-western elevation serve one bedroom and a lounge on the ground floor and further bedroom on the first floor. The proposed dining room window overlooks the garden of 1 Highfield Terrace and would significantly impact upon the privacy currently enjoyed by the owner/occupiers of that property. The impact is exacerbated as the application site is elevated and is at a higher level than the adjoining garden. The bathroom window is capable of being obscure glazed, and thus does not pose such concern.

Turning to the fenestration on the south-western elevation, the most significant impact upon the privacy of neighbouring properties is posed by the bedroom on the first floor and to a lesser extent the bedroom and lounge on the ground floor. It is contended that the rear gardens, and to a lesser extent, some habitable rooms of Highfield Terrace will be overlooked. The application site is some 20 metres from the rear of Highfield Terrace, but the angle of overlooking will be at an angle of approximately 45°. The principal impact relates to the reduction of privacy in the gardens of the affected properties.

Design, scale and appearance of the proposed building

The proposed building is a considerable improvement upon the design of the existing garages, which the agent describes as “*most unprepossessing*”. The proposal to provide a slate pitched roof provides a significant improvement to the current design, comprising a flat roof. It is considered that the proposed design is more compatible with this predominantly residential area. The proposed eaves are lower than height of existing flat roof and there will only be a marginal loss of sunlight behind the roof ridge. There is significant distance between the application site and the rear of Highfield Terrace for it not to be a significant issue.

Amenity of the application site

The application indicates that there are to be two car parking spaces provided within the compound, adjacent to the proposed dwelling. The parking bays are located directly adjacent to the windows of the proposed bedroom and lounge on the ground floor, and are likely to reduce the amenity of the application site accordingly. No garden or amenity area is provided, which will deleteriously reduce the viability of the unit. For example no scope exists for the provision of landscape up-grading of the site, and whilst the form of the proposed structure is considered an improvement upon the existing unit, there is no scope for planting or screening which could mitigate the issue of overlooking and privacy of neighbouring properties.

Highway issues

The observations of the County Highway Authority are outlined above and are self explanatory. There is no highways objection to this proposal.

Beer Village Design Guide

Several of the third party objectors contend that the proposal is contrary to the Beer design Guide in respect of over-development of the site, lack of amenity space and the removal of much needed garage and storage space.

It is considered that the proposal does not have a detrimental effect on the built environment of the area. And neither does it significantly affect the existing skyline. The Design Guide discourages the development of flat roof structures, and therefore a proposal to provide pitch roof is consistent with this policy.

Other considerations

A previous application for the conversion of the application suite to a 'bungalow with new roof' was refused for the following reason:

The restricted size of the building and its associated curtilage, together with the existence of a right of way through the site, will result in an unacceptably low level of amenity and privacy for the intended occupants of the proposed dwelling.

The current application is very similar to that refused previously.

CONCLUSIONS

In terms of design and access issues, the proposed development is satisfactory. However the proposal fails when assessed against other principal considerations. The proposal has also been assessed in terms of the potential impact upon the privacy of the adjoining dwellings (Highfield Terrace) and the capacity of the site to accommodate a dwelling, along with the necessary amenities. Turning to the question of overlooking and its impact upon neighbouring properties, it is evident that the proposed development would impinge unreasonably upon the privacy currently enjoyed by the residents of Highfield terrace, by virtue of its fenestration detail and elevated position. The application site also fails to provide sufficient space on the site to accommodate the accommodation requirements and would result in an unacceptably low level of amenity and privacy for the intended occupants of the proposed dwelling. This conclusion is reinforced by the location of the proposed parking bays which are located directly adjacent to the windows of two habitable rooms. The proposal amounts to an overdevelopment of the site.

RECOMMENDATION

REFUSAL for the following reasons:

1. The restricted size of the building and its associated curtilage will result in an unacceptably low level of amenity and privacy for the intended occupants of the proposed dwelling. The proposal is considered to be contrary to East Devon Local Plan Policy D1 which seeks to guard against proposals which adversely affect the amenities of adjoining residents.
2. In the opinion of the Local Planning Authority the change of use of this building to provide an independent unit of accommodation would give rise to an over-intensive use of the site, leading to an unsatisfactory relationship between dwellings, thereby reducing the privacy and quiet enjoyment now enjoyed by adjoining residents.

List of Background Papers

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