

RALEIGH
(Colaton Raleigh)

06/3034/OUT

Target Date: 01.01.07

Applicant: Mr and Mrs Egerton
Location: Rosecroft, Church Road, Colaton Raleigh
Proposal: Erection of a dwelling

CONSULTATIONS

County Highway Authority

Recommend refusal on the basis that the increased use of the access onto the public highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to Policy TR10 of the Devon County Structure Plan.

TOWN/PARISH COUNCIL

Unanimously recommended for refusal. Rationale:-

- Access already has a high volume of traffic
- There are already 2 sets of utility cables/pipes underground in access road – not sure there would be room for more
- Access is narrow with bends and the emerging access onto Church Road is dangerous
- Do not want to set a precedent (Mr Cotton, Sunraker's land behind Brockhill Studios)

WARD MEMBER(S)

No comments received

REPRESENTATIONS

Objections

2 letters have been received raising the following points:

- Increased use of the access would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional danger to all users of the highway
- Inadequate size of plot and siting make the proposal incompatible with the generally spacious layout of existing development in the area
- Sewers and water supply are not suitable for an additional family home
- Nuisance and disturbance from the access
- Overdevelopment of the village

Comment

1 letter has been received raising the following points:

- Soakaways would be insufficient to deal with surface water at this site – outline permission should be given conditional upon the provision of adequate drainage arrangements

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
06/2331/FUL	Single storey extension	Approved	05.10.06
94/P1949	Erection of dwelling	Refused	24.01.95

PLANNING POLICIES

Government Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing

Devon County Structure Plan (2001-2016)

Policy CO3 - Areas of Outstanding Natural Beauty
Policy CO6 - Quality of New Development
Policy TR10 - Strategic Road Network and Roadside Service Areas

East Devon Local Plan (1995-2011)

Policy S4 - Development within Built up Area Boundaries
Policy D1 - Design and Local Distinctiveness
Policy EN1 - Development Affecting Areas of Outstanding Natural Beauty
Policy RE3 - Open Space Provision in New Housing Developments
Policy TA7 - Adequacy of Road Network and Site Access

SITE LOCATION AND DESCRIPTION

The application site is located in a central position within the village of Colaton Raleigh. The existing dwelling at the site which is known as Rosecroft is set within an extensive curtilage and is served by a narrow private drive which is accessed from Church Road. The application site is a large field located to the north of the existing dwelling which is currently used as a paddock and is served by a group of stables. The site is wholly contained within the development limits of the village.

PROPOSED DEVELOPMENT

Outline planning permission is sought for the erection of a bungalow on the site. The matters of layout, scale, appearance and landscaping are reserved for future consideration. In terms of access the site would be served by the existing private drive that serves the existing house. As such the application only seeks approval of the access and the principle of the development and to this end an indicative layout plan has been submitted to try and demonstrate that a dwelling can be accommodated on the site in an acceptable manner.

CONSIDERATIONS AND ASSESSMENT

Background

Planning permission was previously sought in 1994 for the erection of a dwelling on land to the north of Rosecroft. This application was refused because the site was outside of the Built-up Area Boundary of the village, harmful to the Area of Outstanding Natural Beauty (AONB), would result in undesirable backland development and would increase the use of a substandard access. A subsequent appeal was dismissed. The Inspector agreed with the Council that the development represented inappropriate development outside of the Built up Area Boundary that would be harmful to the AONB, however he also considered that it would lead to an

unacceptable relationship with the adjoining property. The Inspector did not endorse the highways objection to the proposal.

In light of this history to the development of this site it is considered that the key issues for consideration with regard to this current application are the impact on the AONB and the character of the area, highway safety issues and the amenities of nearby properties.

Highway Issues

As with the 1994 planning application for the same form of development the highway authority have objected to this current application on the basis that the access onto the public highway is substandard by virtue of its inadequate visibility and that the proposed increase in vehicle movements over the access would therefore be detrimental to highways safety. The Planning Inspector for the 1994 appeal against the same form of development on this site noted that the access was substandard mainly because the access lies on a bend in the main road. Despite this he considered that the access was not dissimilar from other accesses in the village and in the absence of evidence relating to accident records in the locality he considered that the appeal could not be rejected on highway grounds. A further appeal in 2003 in relation to the development of a different site served by the same access followed the same approach. Despite these appeals the highway authority maintain their objection to the proposed development despite noting that there have been no recorded personal injury accidents along Church Lane in the last 5 years. It is considered that in light of both the 1994 and 2003 appeal decision and the absence of an accident record for the access to this site that would prove that increased use of the access would be harmful to highways safety an objection on the basis of the proposed access arrangements could not be sustained.

The Inspector who considered the 2003 appeal in relation to a development for a new dwelling at an adjacent property known as 'Sunraker' which is served by the same access drive raised concerns regarding turning space for service vehicles to turn. The site in this case was much smaller than the application site here which is capable of providing adequate turning space within the frontage of the site. It is therefore considered that an objection to this application on highway safety grounds could not be sustained.

Impact on Landscape

At the time of the 1994 application and appeal in relation to this site the application site was located outside of the Built-up Area Boundary of the village and was therefore considered to constitute inappropriate development in the countryside. As part of the East Devon Local Plan 2006 this boundary has been revised and now includes the application site. It is therefore considered that there is no objection in principle to the development of this site for residential development. Although the site remains within the AONB which washes over the entire village it is considered that the proposed development would be viewed in the context of the built form of the remainder of the village and that provided the site is appropriately landscaped its visual impact on the AONB would not be excessive.

In terms of the character of the area the proposed bungalow would have a similar plot size to other properties in the locality while its backland siting would not be out of keeping with the form and layout of development adjacent to the site. The site gradually rises in ground level to the north, however the application is for a bungalow and as such the development (subject to an acceptable design and layout) would not appear visually intrusive. Any permission should however be subject to a condition restricting the dwelling to single storey only to prevent an excessive visual impact.

Impact on Residential Amenity

The Inspector in considering the 1994 appeal against the refusal of planning permission for the development of this site considered that the limited depth of the application site would lead to an unacceptable relationship with the existing dwelling known as 'Rosecroft' leading to a loss of privacy and overlooking. These were not concerns that were raised by the Council when refusing the 1994 application. The submitted indicative layout that accompanies the current application shows that a distance of between 19 and 30 metres could be retained wall to wall between the property and 'Rosecroft' which would retain a rear garden of up to 18m in length. It is considered that this relationship would provide adequate separation between the properties preventing excessive levels of overlooking or visual intrusion. The site itself would be of adequate size to provide amenity space to meet the needs of occupants of the proposed bungalow and provide a landscaped setting to the development. The site would also enable adequate separation distances to the other adjacent neighbouring properties to prevent an unacceptable loss of amenity to these properties.

The potentially significant impact on the amenity of dwellings in the locality is the increased use of the vehicle access to the site which passes very close to a number of adjacent properties most notably 'Brockhill Studio' which fronts onto Church Road with the access drive abutting its eastern boundary. Any significant increase in vehicle movements over this access could lead to a significant increase in noise and disturbance to residents of this property. This must however be considered in the context of existing vehicle movements over the access which serves two existing dwellings and also the stables and paddock that currently occupy the application site. It is understood that the applicants keep two horses at the site and that there are a number of vehicle movements associated with the horses being taken to training and competitions amounting to around 4 – 8 movements a week while the horses are used by other riders who drive to the site in addition to feed deliveries. The applicants therefore argue that there would not be a significant increase in vehicle movements arising from the proposed development. It is also understood that the main living accommodation at 'Brockhill Studio' is located away from the access drive. Taking all of these issues into account as well as the likely slow speeds of traffic using the access drive it is considered that the proposed increase in vehicle movements over the access would not lead to a significant detrimental impact on the amenities of occupants of Brockhill Studio or other properties served by the access.

Other issues

Some concerns have been raised by the Parish Council and local residents with regard to the provision of utilities to serve the development of this site. The comment has been made that the access is not wide enough to accommodate additional pipes and services, however there is no evidence to suggest that this is the case while it is a matter for Building Control in any case.

The Parish Council have also raised concerns regarding setting a precedent and refer to the development of a dwelling at the adjacent property known as 'Sunraker' that was refused and dismissed on appeal in 2003. The application related to a very different site which is smaller in size and closer related to the neighbouring properties and as such it is considered that the two developments are not comparable other than in terms of the access arrangements. In any event each application should be considered on its own merits.

As the proposed development would lead to the erection of an additional dwelling at the site in accordance with Policy RE3 of the adopted Local Plan the applicants are required to enter into a Section 106 agreement to secure a contribution of £3,698.81 towards the provision of open space facilities in the locality demand for which would arise from this proposed development.

CONCLUSIONS

In conclusion it is considered that although this application is basically identical to that refused by this authority in 1994 and subsequently dismissed on appeal, by virtue of changes to the local plan and the consideration of the inspectors reports with regard to the 1994 appeal and a subsequent appeal in relation to an adjacent site it is considered that the previous reasons for refusal can no longer be sustained. It is therefore considered that the proposal complies with all relevant requirements of the development plan and should be approved.

RECOMMENDATION

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

- 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. Approval of the details of the Layout, Scale, Appearance and Landscaping of the site (hereafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason: The application is in outline with one or more matters reserved).
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason – To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
4. Prior to the commencement of the development hereby permitted, the existing buildings on the site shall be demolished and the resulting materials shall be removed from the site.
(Reason: In the interests of the character and appearance of the locality).
5. The dwelling hereby approved shall be single storey only, unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of work on site.
(Reason: In the interests of the character of the area and visual qualities of the Area of Outstanding Natural Beauty).
6. 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 works within Schedule 2, Part 1, Classes A, B, C, D, E or F for the enlargement, improvement or other alterations to the dwelling hereby permitted or for the provision within the curtilage of any building or enclosure, swimming or other pool or hard surfacing.
(Reason: To protect the character and appearance of the area including the Area of Outstanding Natural Beauty)

Informatives

1. The submitted layout plan has been considered as an indicative layout only. This permission does not in any way endorse the layout shown this being an issue that forms one of the outstanding reserved matters.

Reasons for approval

1. The proposal complies with the Devon County Structure Plan 2001 – 2016 policies CO3 (Areas of Outstanding Natural Beauty), CO6 (Quality of New Development) and TR10 (Strategic Road Network and Roadside Service Areas).
2. The proposal complies with the adopted East Devon Local Plan 1995 – 2011 policies S4 (Development within Built-up Area Boundaries), D1 (Design and Local Distinctiveness), EN1 (Development Affecting Areas of Outstanding Natural Beauty), RE3 (Open Space Provision in New Housing developments), TA7 (Adequacy of Road Network and Site Access).
3. The proposal would not adversely affect the privacy and/or amenity of neighbouring properties.
4. The proposal does not harm the natural beauty of the landscape designated as an Area of Outstanding Natural Beauty.
5. The proposal is contained within the Built up area boundary of the settlement.
6. The access to serve the proposal does not prejudice highway safety.

Approved plans

Location plan, Site layout plan

List of Background Papers

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