

AYLESBEARE
(Ottery St Mary Rural)

07/0656/OUT
(Outline)

Target Date: 27.04.07

Applicant: Mrs Wegner
Location: 1 Oakmead, Aylesbeare
Proposal: Erection of dwelling

CONSULTATIONS

County Highway Authority

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 (see Appendix for full comments).

PLANNING HISTORY

App. No:	Proposal	Decision	Date
06/0109/FUL	Erection of two storey Extension to create dwelling Including parking	Refused	03.03.06

TOWN/PARISH COUNCIL

Approved

WARD MEMBER(S)

No comments received.

REPRESENTATIONS

1 letter of representation received.

A letter from the Chairman of the Village Hall Committee raises no objection in principle but expresses some concerns regarding the impact of creating the proposed visibility splay to the west of the entrance on the bank on the village hall road frontage.

PLANNING POLICIES

Government Guidance

PPS 1 - Delivering Sustainable Development

Devon County Structure Plan (2001-2016)

Policy CO6 – Quality of New Development
Policy TR10 – Strategic Road Network

East Devon Local Plan (1995-2011)

Policy D1 – Design and Local Distinctiveness

Policy D5 – Trees on Development Sites

Policy S2 – Built-up Area Boundaries for villages

Policy S3 – Development Within Built-up Area Boundaries

Policy TA6 – Adequacy of Road Network and Site Access

SITE LOCATION AND DESCRIPTION

The application site currently forms part of the side garden area of No. 1 Oakmead. This is one of a pair of semi-detached houses, which together with neighbouring properties to the east, forms a short row of three pairs of semi-detached properties. The properties are on elevated land to the south side of Oak Road and are set back approximately 12 metres from the highway edge and are generally well screened by tree/hedge planting along the road frontages.

The site is accessed via an existing splayed driveway entrance which slopes up approximately 1.5 metres and then levels off. The boundaries of the site are marked by mature hedgerows and there is a large timber shed located in line with the house on the western boundary. To the immediate west of the site on slightly lower land is the village hall, with to the rear further residential properties of both a single and two storey form. The site is located on the edge of but within the built-up area boundary to the north of the village.

PROPOSED DEVELOPMENT

Outline planning permission is sought for the erection of a single, detached dwelling on land to the west side of the existing house with matters of layout, appearance and landscaping reserved.

CONSIDERATIONS AND ASSESSMENT

This application follows the refusal of application 06/0109/FUL which sought full planning permission for the erection of an end terrace house off the west elevation of the existing property, to form a short terrace of three dwellings. That application was refused solely on the grounds of the lack of visibility and resulting increased highway safety danger that would result from the intensification in use of the existing access.

The current application is in outline form for a detached dwelling and the main issues are considered to be: the siting and form of the dwelling; the impact on neighbouring occupiers and on the character and appearance of the area and; the highway safety from the proposed access. It is also noted that there is a mature tree on the front boundary of the site which may be affected by the proposed visibility improvements. The views of the arboricultural officer have been sought in this regard but have not been received at the time of writing, it is hoped that Members can be updated verbally at committee.

Site, layout and form

The proposal is for a detached dwelling to the west side of the existing property. The existing property benefits from a large side garden and the site is considered large enough to accommodate an additional dwelling. However, the properties that make up Oakmead are 3 pairs of semi-detached houses and the proposal for a detached dwelling would to a certain extent fail to reflect this. It is accepted though that, from the road to the north at least, the existing houses are relatively well screened from public view and that an appropriately designed detached dwelling would not appear significantly out of keeping. In terms of layout it would appear that adequate parking and turning space could be provided for both the existing and proposed dwelling.

Effect on character and appearance of area

As noted above, the proposal for a detached dwelling would be contrary to the predominant surrounding form of pairs of semi-detached properties. The proposal to improve the visibility splays would also require works to the site frontage, which at present is relatively well screened with banked hedgerow and a prominent mature tree. The splays indicated on the site plan would require the lowering of a fair extent of the roadside bank and could have a detrimental effect on the mature trees within the bank. The works to create the visibility splays indicated are therefore likely to open up the site frontage potentially affecting the semi-rural character of Oak Road at this point.

The proposed detached property would be located closer to the Village Hall, set on lower land to the west of the site, but it is considered that adequate space would remain between the buildings and that the erection of a dwelling in this location would not appear overbearing in relation to the village hall.

Effect on neighbouring amenity

It is likely that any property would have at least some first floor rear facing windows which would look over the rear gardens of neighbouring properties and whilst coming closer to some of these (than windows in the existing property) it is not considered that the distance between the site and these properties and existing levels of overlooking would warrant refusal on these grounds. The existing dwelling has a stairwell window on its west elevation which would lose light but again is unlikely to warrant refusal.

Highway safety

The supporting statement with the application suggests that improvement could be made to the existing access to bring this in line with the requirements of the highway authority. A further and subsequent letter from the applicant's agent states that a planned extension to the 30mph speed restriction zone, affecting the road at the front of the site, would further reduce potential highway safety issues. The letter also states that the existing access benefits from planning consent and therefore suggests that the Local Planning Authority should have no objection to the use of it by vehicles.

On this last point, it would appear that the existing driveway entrance, that was granted permission in 1990, was not constructed in accordance with that permission, as the required 14.4 x 3.0 metre layby required as part of the permission has not been provided. Nonetheless, the length of time that has expired since the construction of the access means that its continued use is considered to be lawful and immune from enforcement action. This fact though is worth pointing out to illustrate that the current access is not as approved by the Local Planning Authority.

It would certainly be possible to make some improvements to visibility at the front of the site (particularly in an easterly direction) by setting back part of the bank along the frontage and removing/lowering vegetation. However, this would not be sufficient to provide the required visibility splay and would result in a very open frontage. Furthermore, the majority of the visibility splay in a westerly direction would be outside of the applicant's ownership and not possible to control.

The highways authority has confirmed that there is a plan to extend the 30 mph zone to take in the road at the front of the site but these have not yet been confirmed. It has considered the proposed improvements to the access as set out in the application and has stated that these would not be sufficient to meet the appropriate standards. The highways authority has therefore

recommended refusal on the grounds that visibility from the existing access is poor and intensification in its use would be likely to result in additional dangers to all road users.

CONCLUSIONS

The application proposes the erection of a detached property within the garden area of No. 1 and to the west of this existing dwelling. This would be contrary to the surrounding pattern of development which is characterised by pairs of semi-detached properties to the east (some of which have been extended) and short terraces or semi-detached bungalows to the rear. Any property constructed on this site would be relatively prominent, particularly from views from the northwest across the village hall frontage. Furthermore views from the road to the north are also likely to open up with the proposals to improve the visibility from the site access. A detached dwelling in this position would therefore appear prominent. However, if the principle is accepted, it is considered that subject to a suitable design being agreed at reserved matters stage a detached dwelling could be located on the site without adversely affecting the predominant pattern of development in the area.

Regarding highway safety, it is considered that the proposal would fail to provide adequate visibility from the existing access which would result in additional dangers to all road users. Although some improvements to visibility could be provided these would be likely to result in the loss of vegetation/damaging effect on trees on the road frontage and would be insufficient to meet the appropriate standards. The application is therefore recommended for refusal on highway safety grounds.

The second reason set out below reflects the requirements of Policy RE3 which have not been met.

RECOMMENDATIONS

REFUSE for the following reasons:

1. The increased use of the access onto the public highway, resulting from the proposed development, by reason of the limited visibility from and of vehicles using the access, and where the visibility splays required could not be provided for within the applicant's control, would be likely to result in additional dangers to all users of the road contrary to Policy TA6 of the East Devon Local Plan TR10 of the Devon County Structure Plan.
2. The proposal fails to make adequate contributions for open space provision to meet the needs generated by the development and is therefore contrary to Policy RE3 (Open Space Provision in New Housing Developments) of the Adopted East Devon Local Plan July 2006.

Refused plans

CN05: location plan, PPS/1, existing/proposed site layout plan.

List of Background Papers

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