

SIDMOUTH  
(Sidmouth Sidford)

06/1127/FUL  
(FULL)

19.06.06

Applicant: Beth Properties

Location: 20 Ladymead  
(Grid ref:311777/89639)

Proposal: New dwelling

### **Consultations**

#### **County Highway Authority**

No objection

#### **Environment Agency**

Clean surface water to soakaway, separate from foul drainage. Consultation required with Water Authority.

### **Planning History**

App. No.	Year	Proposal	Date and Decision
06/0055	2006	Two-flats and new access	Refused 17.02.2006

### **Representations**

Three letters of objection have been received.

### **Summary of Objections**

1. The estate was constructed with the view to allow side extensions and not new dwellings;
2. The development will create additional traffic and exacerbate parking problems;
3. New access will obstruct other accesses;
4. Development not in keeping with the estate and will adverse impact on other residents;
5. A permission will set a precedent.
6. Will cause loss of privacy, light and amenity for houses (Nos. 4 and 6 Ladymead, diagonally at the rear of site (request for obscure glazing in rear windows, permission to be granted);
7. Overdevelopment for the area

### **Parish/Town Council**

Refuse:

Overdevelopment. The Town Councils Planning Committee considered this application does nothing to alter the decision already made by East Devon District Council on the 27<sup>th</sup> February, 2006. (Planning application no. 06/0055/FUL) (2 letters of objection received).

### **Location**

The site, measuring 7 metres wide for most of its 16 metres depth, is on the south-west side of a 'hammer head' on the Ladymead estate, built during the 1980's. The site is currently the side garden area of a semi-detached house that has its side elevation facing the front of two semi-detached dwellings at the back of the 'hammer head'.

The estate is built on a gradient falling from north-east (house front) to south-west (rear). The road level is over one metre higher than the ground floor level of the existing house. The houses on the estate vary in size and are built mainly as semi-detached pairs, but occasionally three in a terrace, like those immediately to the rear of the site.

The site lies within both the Sidmouth Built-up Area Boundary and the East Devon Area of Outstanding Natural Beauty.

## **Planning Background**

The estate was designed mainly for 'first time' buyers who would later be able to extend their houses as families grew. Many of the houses on the estate have now been extended; often with single storey side constructions, but in some cases two-storey extensions have been given permission (e.g. at no.38 and no.6). In October 2005 permission was granted for a three-bedroomed dwelling and access adjoining semi-detached no.34 Ladymead (05/2381/FUL). The site included adjacent land, previously part of no.32.

## **The Proposed Development**

The proposal is for the erection of a two-bedroomed dwelling adjoining an existing semi-detached pair of houses nos.18 and 20 Ladymead. The scale, design and materials of the proposal matches adjoining and surrounding dwellings. The existing garage that already serves no.20 will be retained and together with the parking space in front will serve the new dwelling. The existing dwelling will retain the parking space it has at the front, parallel with the carriageway.

## **Planning Policy**

### Adopted East Devon Local Plan

- S3 (Development within built-up area boundaries)
- D1 (Design and Local Distinctiveness)
- H1 (Residential land provision)

### Devon Structure Plan 2001-2016

- ST1(Sustainable Development)

### Government Planning Guidance

- PPG3: Housing
- PPS1: Delivering Sustainable Development

## **Observations**

The principle of development is permitted within the Built-up Area Boundary here, subject to the following issues:

- Protection of the natural beauty of the wider landscape designated as an Area of Outstanding Natural Beauty;
- Any development relating well to its context, having particular regard to the density and character of surrounding development and the design and siting of the proposed dwelling;
- Protection of the privacy and amenity of adjoining property, in particular the privacy enjoyed by occupants of dwellings to the south-west of the site and the visual impact of the proposal on no.22 sited at right angles and facing the side of the proposed dwelling;
- The adequacy of the road network to take additional cars;
- The weight given to the original intention of the developers and Authority to give first time buyers the chance to extend their homes.

A previous application on this site for two small flats was refused on the grounds that:

- there would be a significant reduction in the open space between the side of no.20 and front of no.22., restricting outlook and amenity enjoyed by its occupants of no.22;
- the surrounding pattern of development is strongly characterised by its open plan nature and the development would bring the building into close proximity with the highway;
- the proposed car parking space on elevated ground immediately in front of the ground floor flat will harm the amenity for future occupiers and cause loss of open space to no.20.

The currently proposed dwelling raises some of the same issues as before, but there are significant differences between the two proposals, namely:

- The width of the dwelling currently proposed is one metre less than the two flats proposed;
- A single dwelling will be a less intensive development than two flats;
- The proposed parking space at the front is to remain as it is and any car parked there is 2.5 metres away from the front elevation and not 1.5m as previously proposed.

With regard to the desire to retain the open plan character of the estate and ample open space between numbers 20 and 22 Ladymead, it was always intended that the spaces adjacent to dwellings on Ladymead would be used for extensions to houses. This has happened across the estate to the extent that the open character has already been altered to a high degree. The proposed dwelling can be considered as taking the place of an extension to no.20. and does not prejudice the overall character of the area any more than an extension would do. Furthermore, the Government, through PPS1 and PPG3, now seeks to promote the more efficient use of land through higher densities and use of previously developed land. The case for maintaining spaces where future extensions might be built and not let them, where appropriate, be developed now as dwellings is therefore weakened.

The distance now proposed between nos. 20 and 22 measures just over 11 metres and is considered acceptable bearing in mind that occupants will look out on a light south facing flank wall. The proposal will neither significantly alter the amenity enjoyed here nor have an overbearing presence.

The only remaining issue is the impact of the dwelling on dwellings to rear, in particular no.6 where permission exists for a two storey extension, bringing the extended no.6 more in line with the application site and within a distance of 15 metres of each other.

### **Conclusion/Summary**

The question of loss of privacy is therefore now the main issue determining the acceptability of this development.

Having regard to the presence of a mature evergreen screen along the boundary between these two properties, a garage on the rear boundary of the current site (to remain) and the fact that distances between the backs of other estate dwellings in the immediate vicinity have little more than 15 metres between facing bedroom windows, it becomes reasonable to accept the proposed siting of a dwelling. On the rear elevation it is the bathroom window that is closest to the neighbour behind and the views between bedroom windows will be at an angle of 30 degrees. On balance it is therefore considered that a refusal of the proposed dwelling on grounds of a small loss of privacy to no.6 Ladymead would be unsustainable given the above.

### **Recommendation**

APPROVE subject to the following condition:

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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 or B for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.

(Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers.)

Notes to applicant: None

List of Background Papers

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