

SIDMOUTH
(Sidmouth Sidford)

06/1164/FUL
(FULL)

22.06.06

Applicant: Honeyfords Ltd

Location: 70 Sidford High Street
(Grid Ref: 312712/89914)

Proposal: Demolition of dwelling and erection of six apartments with associated garaging, parking and new access.

Consultations

County Highway Authority

Refuse – see attached. However, amended plans showing the details of the access have been submitted. The Highway Authority has been re-consulted and their comments will be reported orally to the Committee.

Environment Agency

No objections: separation of clean surface/ roof water from foul drainage; clean surface and roof water to soakaways (designed to BRE Digest 365 standards).

DCC Director of Children and Young People's Services

Request total contribution of £8,148.80 towards education infrastructure.

Planning History

App. No.	Year	Proposal	Date and Decision
P2174	2004	Demolition of existing dwelling and erection of 5 flats with associated garaging and construction of new access (Outline)	10.03.05 Approved

Representations

5 letters of objection have been received to the original plans, including a letter from the Sid Vale Association. At the time of writing, no objections had been received to the revised plans.

Summary of Objections

1. Inappropriate overdevelopment of the site.
2. Overlooking of, and loss of light to, property behind it.
3. Inadequate parking provision resulting in parking problems in Burscombe Lane and obstruction to other residents.
4. Precedent for other people with large houses and gardens in the area to sell for development.
5. High density apartments totally out of keeping with the area.
6. Large roof area would be oppressive in grey slate and red/brown tiles would be more appropriate.
7. Roof size greatly increased with huge impact on light.
8. Intrusion into privacy from first and second floor level windows in rear and side elevations.
9. Position of building breaches a covenant.
10. Increase in noise from numbers of vehicles and people generated by the development.
11. Increase in bulk of building with more and larger windows to the east elevation.
12. Contravenes requirement that height should not exceed that of existing dwelling.

Parish/Town Council

'REFUSE.

- The Town Council has consistently refused development of flats on this site, however, it is appreciated that East Devon District Council has given an approval for five flats, however, any increase from five should be refused.

- The height of the roofline must not be increased from the original building as this would be to the detriment of neighbours' amenity.
- It is considered that East Devon District Council's conditions in the approval dated 25 August 2004 should not be changed.
- Building materials are unsympathetic and windows will create overlooking.' (Original plans)

Observations awaited in respect of amended plans.

Ward Members

Councillors C Wale and Mrs C Drew have submitted observations as follows:

Councillor Wale

This application does not resemble previous plans where upon outline planning was granted.

In relation to this application and in ref. to the previous planning inspection (site) 18.02.05 the proposed height of around 2ft this would in fact appear to be from the highest point of the roofline which is a small peak at the Eastern end of the roof, the issue of loss of light could be an issue to the owners of Cerberus as the vast majority of the roof line runs directly in front of this property and being 6ft lower. Therefore, the actual proposed increase in height could amount to 8ft.

It should be said (in line with the previous planning permission) I would support that the roofline remains at its current level. There are issues in relation to the rear (north) elevation which faces Cerberus, there were two small velux roof windows and one obscured glass bathroom window overlooking this property and the windows should be set high enough in the roof to off set this overlooking, this has been ignored in the new plans and the two proposed flat facing bedroom windows on the second floor, including one large flat facing Dormer on the third floor, look directly into Cerberus bedrooms which have full length glass doors. (Loss of privacy).

A further issue to consider is the proposed footprint of the building being further to the West and the current outline planning permission (impact) in light of the existing restrictive covenant on the plot of number 70 dated 07.09.1970 that prevents any building or erection to be made upon the land conveyed to the West of the existing building known as Little Orchard.

Outline planning permission was given for five flats and I believe this is more than adequate for this site and our previous Ward Member comments in relation to granting this should be seriously considered here in view of impact loss of light/privacy and my above comments based on this new application.

Councillor Mrs Drew

This application is in my ward.

This application was passed last year after a planning inspection visit.

It was originally for 5 flats and we asked for the ridge height not to exceed the existing roof.

Also no balconies overlooking Burscombe Lane. I believe the North elevation was to have frosted windows on the second floor and 2 velux windows on the third floor.

On the amended plan it seems to be 6 flats, two flat facing windows on the second floor and huge windows in the roof, none of them frosted.

It has been Refused recommendation by Sidmouth Town Council.

I would like this application to come to committee for debate.

Comment

The Site and its Surroundings

70 High Street is a detached two-storey dwelling that occupies a large plot, approximately 0.23 hectares in area, located on the north eastern corner of the junction with Burscombe Lane.

An annotated location plan is attached for Members' information.

The dwelling is sited towards the northern boundary of the plot and occupies a footprint approximately 130 square metres in area.

The northern, eastern and High Street boundaries of the site are largely defined by established hedges with a series of mature trees along the northern and eastern boundaries which afford the site a considerable degree of privacy from the nearest neighbouring properties, Cerberus to the north and Redlea (No. 68 High Street) to the east.

The boundary with Burscome Lane is defined by a row of semi-mature conifers and a less substantial hedge and chain link fence. However, due to the gently sloping topography of the locality and the more level character of the site itself, there is a drop between Cerberus and Burscome Lane and the site. Additionally, towards the south eastern corner of the site there is a drop to the High Street road carriageway.

The existing access into the site is positioned adjacent to the High Street/Burscombe Lane junction.

The site is located within an area that is entirely residential in character which, to the north of High Street, comprises low density semi-detached and detached dwellings in a mix of forms on essentially large plots. To the south of High Street, and opposite the site, is part of the more dense residential development on the land formerly safeguarded for a bypass road to the south of Sidford. With regard to the issue of flooding, the Environment Agency do not object.

Planning Background

Outline planning permission exists for the demolition of the existing dwelling and the construction of a development of five 2/3 bedroom flats on the site, together with a garage block close to the Burscombe Lane boundary (application 04/P2174 refers). Although submitted in outline, the application was accompanied by considerable illustrative detail in the form of a site layout, elevations and floor plans. However, all matters of detail were reserved for later approval.

The grant of planning permission followed a site visit undertaken by the Planning Inspections Committee in February 2005.

A copy of the illustrative details that accompanied the application is attached.

Permission was granted subject to a condition, amongst others, that required that no part of the development should be higher than the highest part of the ridge of the roof of the existing dwelling on the site. This was a particular concern of Members of the Committee at the time of the site inspection.

Conditions were also imposed requiring provision of a footway along the High Street frontage of the site in the form of an extension of the existing footway along the Burscombe Lane frontage, in line with the recommendation of the County Highway Authority, together with the planting of a replacement hedge at the rear of this footway.

The Proposed Development

Full planning permission is now sought for a detailed scheme comprising a building housing 6 residential units in the form of three 2-bedroom flats on the ground floor and three 3-bedroom maisonettes on the first and second floors. However, the second floor level of the development would be accommodated within the roofspace.

The submitted elevation details (which, together with site layout and floor plan details, are attached) show the principal part of the building oriented west/east with side elevation gables at either end of a fully pitched roof. The eaves line on the front (south) elevation of this part of the building would be broken by a central recess of three-storey height with a curved roof to either side of which would be a dormer with French doors serving inset balconies.

Both gable end elevations would feature windows on all three levels of the building and detailing in the form of coping.

At the rear of this main element would be a series of three hipped roof elements of decreasing width terminating in a full hip treatment to the rear elevation containing a dormer with a curved roof.

Both side elevations would also feature two similar dormers, one of which would be obscure glazed. Two of the side elevation windows proposed at first floor level would be similarly obscured.

The footprint area of the development would be approximately 190 square metres, representing an increase of around 8 square metres over the illustrative scheme for 5 units considered under application 04/P2174. However, whilst that proposal envisaged that a building of the same maximum width as the existing dwelling on the site could be achieved, the present scheme shows an overall maximum width increase of 3.2 metres from 13.6 metres to 16.8 metres. Conversely though, the maximum front to rear depth of the building would be reduced by around 1.5 metres from 18 metres to 16.5 metres. This would mean the rear of the development being further away from the northern boundary with Cerberus than as indicated previously.

In addition, the details have been modified to achieve a reduced maximum roof ridge height of 9 metres, as opposed to 9.4 metres as indicated under application 04/P2174, with the slab level also reduced by 0.2 metres. Taken together, this would achieve a very slight roof ridge height reduction in relation to the maximum roof ridge height of the existing dwelling (although the height of the coping to the gables would just exceed it).

However, in order to accommodate the extra unit proposed, it is necessary to increase the general mass and bulk of the development at roof level, a point illustrated in the attached copy of a plan submitted with the agents' supporting statement which shows an overlay of the approved outline scheme on the front and rear elevations of the submitted detailed proposal.

Also proposed is the erection of a pair of detached triple garage blocks close to the south west corner of the site, in approximately the same position as the single garage block proposed under application 04/P2174, along with the provision of three visitors' parking spaces opposite at the end of a driveway and turning area accessed from Burscombe Lane in the same position as before.

Each of the garage blocks would measure 9 metres in length with a depth of 6 metres and a roof ridge height of 4.2 metres. The details of these show a half-hipped roof form.

Additionally, six cycle parking spaces would be provided to the north west of the main building.

A small bin store would be positioned immediately to the north of the three open parking spaces.

Externally, both the main building and garage block would be finished in a painted render (with the possibility of the first and second floors being of different colours) with a slate roof.

The details also show the provision of a continuation of the existing footway along the High Street frontage of the site and hedge planting at the rear, together with the closure of the existing access to the site at its south western corner adjacent to the Burscombe Lane/High Street junction.

Modifications have been made to the treatment of the west and east elevations in order to reduce the number of windows and clearly define those at first and second floor levels that it is intended to be obscure glazed. These would all serve staircases and cloakrooms.

Planning Policy

Devon Structure Plan 2001 – 2016

- ST1 (Sustainable Development)
- ST3 (Self Sufficiency of Devon's Communities)
- ST5 (Development Priority 2001 – 2016)
- ST15 (Area Centres)
- C06 (Quality of New Development)

Adopted East Devon Local Plan

- S1 (Built-up Area Boundaries for Area Centres and Local Centres)
- S3 (Development Within Built-up Area Boundaries)
- D1 (Design and Local Distinctiveness)
- RE3 (Open Space Provision in New Housing Developments)
- TA6 (Adequacy of Road Network and Site Access)

Observations/Appraisal

In view of the acceptability of the principle of redevelopment of the site with flats established by the grant of outline planning permission, the current proposal falls to be considered having regard to the following issues that are discussed in turn.

Impact upon Character and Appearance of Area – As stated above, the area to the north of High Street is strongly characterised by spacious, low density residential development with a number of sizeable individual family dwellings on large plots, including the application site.

In such circumstances, and given the extent to which the existing dwelling is set well back from the main High Street frontage, it is considered that the size and siting of the proposed development would relate well to that of the indicative scheme considered at outline stage and would not result in overdevelopment of the site. The overall site area amounts to around 2,300 square metres with the proposed building, garages, open parking and turning areas and the driveway occupying approximately 600 square metres, equating to around 26% of the site area. This level of coverage of the site is considered to be reasonable, notwithstanding the obvious increase in the footprint area of the building brought about by the proposed addition of one unit to the outline scheme for 5 flats. Indeed, although this is provided for in part by the increased width of the development, this would not result in excessive occupation of the overall plot width and a reasonably spacious setting and relationship between the building and the side boundaries with Burscombe Lane and No. 68 High Street would be retained in view of the very similar siting proposed to the indicative scheme submitted at outline stage.

In design terms, subject to further consideration of details of the proposed external wall and roof finishes to the development it is considered that the proposal would be acceptable given the mix of building forms, designs and materials that characterise the area. The incorporation of elements such as the curved roofs to both the main central recess in the front elevation and the dormers, the slight curvature in the alignment of the front elevation walls of the projections to either side, coping to the angled side gables and hipped roofs to the rear of the building would provide its form with some visual interest and, although different in form and bulk to the indicative outline scheme previously considered, provide an equally valid design approach that it is considered would contribute in its own way to the variety of built forms and designs within the surrounding area without appearing unduly detrimental to its character or appearance.

Impact upon Neighbours – The objections raised by the Town Council and Ward Members regarding the impact of the development upon neighbours, and particularly the occupiers of Cerberus, are noted. However, whilst the increased width and overall bulk of the proposed building, particularly at roof level, relative to that of the indicative outline proposal are recognised, it is considered that the appreciably lower site level in relation to Cerberus, together with the established and mature tree and hedge screening along the boundary, the proposed siting of the building slightly further from this boundary than as previously proposed and the hipped roof forms proposed at the rear of the building, would help to reduce any impact upon the neighbouring property to an acceptable level. In this regard, due recognition also needs to be given to the urban context of the site where it is difficult to accommodate new development without a degree of impact upon neighbouring properties. In this case, it is considered that the level of impact upon Cerberus would be acceptable given the factors set out above.

Substantial tree and hedge screening along the boundary with No. 68 High Street to the east of the site would also assist in ensuring that the proposed development would not have any significant impact upon the privacy and amenities enjoyed by the occupiers of this property.

With regard to the impact upon Seawards, on the opposite side of Burscombe Lane from the site, it is acknowledged that an outlook towards the garden of this property would be afforded from a number of windows at first and second floor level in the west elevation of the development and that, in particular, there would be additional windows at second floor level to those envisaged as part of the indicative outline scheme. However, in numerical terms only one extra window is proposed above ground floor level than as suggested previously and, whilst each of those was shown on the submitted plans as serving habitable rooms, it is now proposed that three of the windows be obscure glazed. As stated above, these would serve only a cloakroom and two landing areas. Furthermore, the present proposals do not incorporate an external walkway and entrance door at first floor level serving one of the flats that was proposed at outline stage. All access to the units now proposed would be taken from ground floor level, including two entrance doors on the rear elevation serving staircases to the first and second floor levels of the building. External access and circulation would therefore be less intrusive than previously.

In any event, the intervening presence of Burscombe Lane would provide a separation distance of around 25 metres between the development and the garden of Seaward which is considered to be acceptable given the urban location of the site and in view of the factors outlined above.

Highways – The objections raised by the County Highway Authority relate to matters of detail which the amended site layout and site access layout details seek to address. Further comments from the Highway Authority on the details will be reported orally to Committee.

However, no objection was raised to the outline proposal for 5 flats on the site by the Highway Authority subject to the approval of full details of the frontage footway and permanent closure of the existing access onto the site.

It is therefore anticipated that these objections can be addressed through the submission of satisfactory amended details. In view of the absence of objection to redevelopment of the site at

outline stage, it is not considered that this represents a significant concern provided that satisfactory details can be agreed.

Developer Contributions – A committed sum contribution of £22,119.38 is sought towards open/play space provision/enhancement in lieu of the absence of direct open space provision on site.

Additionally, a total contribution of £8,148.80 is sought by the Director of Children and Young People's Services at Devon County Council towards education infrastructure provision.

It is understood that the applicants would be willing to make these contributions in the event of favourable consideration being given to the proposal.

Conclusion

In view of the context established by the outline planning permission for five flats on the site, it is considered that the increase in the size, bulk and mass of the proposal now submitted relative to the approved indicative scheme would be reasonable and could be comfortably accommodated on the site without resulting in overdevelopment or undue detriment to the living conditions of the occupiers of the neighbouring properties.

Moreover, it is considered that the form and design of the building itself would be acceptable having regard to the character and appearance of existing development in the area which is essentially mixed.

Subject therefore to agreement of outstanding highway – related details and contributions towards open space and education infrastructure provision, approval is recommended.

Recommendation

Subject to the applicants first entering into a Section 106 Agreement in respect of contributions towards education infrastructure provision and open/play space provision/enhancement and the submission of satisfactory amended highway details. APPROVE subject to the following conditions.

1. Notwithstanding the submitted details, before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area.)
2. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area.)

3. No development shall take place until details of the construction and surfacing of the parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. None of the flats in the development hereby permitted shall be occupied until the parking and turning areas have been completed in accordance with the approved plans. Thereafter at all times the parking and turning areas shall be kept free of obstruction and available for use for these purposes by residents of the building and visitors to the building.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety.)

4. The existing access to the site shall be permanently closed prior to occupation of any of the flats hereby permitted in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.

(Reason – In the interests of highway safety).

5. The refuse storage area shown on drawing no. 300 Rev.A shall be provided prior to occupation of any of the flats hereby permitted and shall thereafter be used for no other purpose without the prior written agreement of the Local Planning Authority.

(Reason – In the interests of ensuring that adequate refuse storage facilities are provided for, and retained, within the site).

6. The cycle parking facilities shown on drawing no. 300 Rev A shall be provided prior to occupation of any of the flats hereby permitted.

(Reason – In the interests of ensuring that adequate cycle parking facilities are provided.)

7. The permission hereby granted relates to the submitted application as amended by the details shown on the revised drawing nos. 300 Rev.A received by East Devon District Council on 13 July 2006 and drawing nos. 301 Rev.B and 302 Rev.B received by East Devon District Council on 4 August 2006.

(Reason – To define the permission)

8. Conditions recommended by the County Highway Authority relating to the amended access details.

List of Background Papers

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