

BISHOPS CLYST  
(Clyst Valley)

06/1773/FUL  
(FULL)

16/08/06

Applicant: Energycare Homes Ltd.

Location: Brockwells, Farm Frog Lane, Clyst St Mary  
(Grid Ref: 29734591234)

Proposal: Two dwellings.

### **Consultations**

#### **County Highway Authority**

“Recommends that the following conditions shall be incorporated in any grant of permission: No development shall commence until the visibility splay indicated on drawing 742-10 submitted with previous application number 06/0309 (2m x 40m to the north) have been formed and the land within the splayed area lowered to a height not exceeding 600mm above road level. The visibility splays shall be permanently maintained free from obstruction at that height.”

However, on the previous application 06/0309/FUL, for a similar form of development utilising the same access the authority commented:

“No development shall commence until the visibility splays indicated on drawing No. 742-10 have been formed and the land within the splayed area lowered to a height not exceeding 600mm above road level. The visibility splays shall be maintained free from obstruction at that height.”

#### **South West Water**

No comments received.

#### **Environment Agency**

Providing flood levels are established at or above 4.8 metres O.D. as proposed in the submitted Flood Risk Assessment (prepared by Robin C Jones and dated 20<sup>th</sup> February 2006) there are no objections in principle to this development proposal, subject to standard conditions.

### **Planning History**

App. No.	Year	Proposal	Date and Decision
1773/FUL	2006	Erection of two dwellings, garages and alterations to access	20.04.06 Refused

### **Parish Council**

Commented 13<sup>th</sup> July 2006:

“Our planning committee has no objections and would comment as follows:

- Part of the property nearest Frog Lane is in front of any building line that might be drawn from Tegula Terrace to Brockwells Farmhouse.
- We would reiterate our request that a condition of planning approval should be that a high kerbed footpath be constructed from the entrance drive to 'Denver' to just past the foot entrances to Brockwells Farm. We know that there will be a gap between this and the existing footway in Frog Lane but there is a very good chance that we can have this gap filled in the not too distant future.”

Additional comments dated 4<sup>th</sup> August 2006:

“Our planning committee has no objections subject to conditions below:

- We had realised the wall would have to be moved back hence the request for the footpath.
- The footpath would also prevent cars parking on this stretch of road, which is narrow at this point, and would restrict access to the parking space of the property opposite.
- In view of plans in the pipeline for further development of the adjoining site we still feel that the footpath is a viable proposition.”

### **Ward Member**

No comments received.

### **Representations**

2 letters of objection from 1 objector have been received.

### **Summary of objections**

1. One of the units would be forward of the existing building line on this side of the road and would be prominent within and have an adverse affect upon the streetscene.
2. Concern over parking across proposed grass verge at site frontage.

### **Location**

The proposal site relates to a roughly rectangular plot of land located to the north of the village centre. The east part of the site (closest to the road) is within the Built-up area boundary of the village and the western part outside the boundary and within a designated Green Wedge.

To the east of the site, on the opposite side of the road, is residential development consisting of mainly bungalows with terraced/detached houses further to the north. To the immediate south of the site is a detached red brick bungalow with a terrace of two storey properties (closer to the road) beyond this. Brockwell Farm and its associated outbuildings are located to the immediate north. To the west of the site is open countryside.

The site is raised several metres above road level and continues to slope up toward the rear boundary. The frontage of the site is marked by a Heavitree stone wall and a banked grass verge. Access to the site is via the driveway to ‘Denver’, the property to the south.

### **The Proposed Development**

The proposal seeks planning permission for the erection of two detached chalet style bungalows, detached garages and alterations to the site access.

### **Planning Policy**

#### **Adopted East Devon Local Plan**

- D1 Design and Local Distinctiveness.
- EN4 Development in Green Wedges.
- S3 Development within Built-up Area Boundaries
- TA6 Adequacy of Road Network and Site Access

#### **Devon Structure Plan (2001 - 2016)**

- C06 – Quality of New Development

### **Comments**

The application follows the refusal of application 06/0309/FUL in April of this year.

The previous application was refused due to its detrimental impact on the streetscene caused by the prominence of unit 1 and due to the poor residential amenity afforded to this unit because of its relationship with Brockwells Farm and the proposed unit 2.

### **Observations**

The main issues affecting the determination of the application are considered to be; the design of the proposal and its affect on the surrounding streetscene, the plot sizes and relationship between proposed dwellings, access to the site and the change of use of the rear part of the site to garden area for number 2.

### **Siting and Design**

The application proposes 2 no. chalet style bungalows, The planning statement suggests that once built, the units would be compatible with the overall height and spacing of other properties and by infilling a gap in the streetscene complement the overall appearance of this part of the village.

Both cottages are proposed to have rendered elevations and slate roofs, these materials are evident in the immediate vicinity and are considered to be appropriate. The fenestration arrangements are also fairly simple with centrally located entrance doors and reasonably proportioned dormers within the front roof slopes. The ridge height of both units has also been reduced over the previous proposals, which from the road to the front of the site would help reduce their impact.

The staggered layout takes account of the fact that the front of the site is the widest part and it appears that it would be difficult to achieve a pair of detached properties on the site without at least one of them being set forward of Brockwell Farm house and Denver.

Although unit 1 has been brought further back from the site frontage, than was previously proposed, the layout would still result in it being forward of both Denver and Brockwell Farm. The site layout plan suggests that there is a notional building line between the barns to the north of the site and Tegula Terrace to the south and that both units would be behind this. The supporting statement to the application goes on to suggest that the proposed layout avoids overlooking from Brockwells Farm and helps to maintain its setting.

Whilst unit 1 has been moved back in the site it is still considered that it would be visually prominent particularly when viewed on approach from the south or north. The land on the site is higher than that to the north and if the lean-to barn on the west elevation of Brockwells Farm were to be removed, which appears to be proposed as part of a separate application for the re-development of the barns to the north of Brockwells Farm (06/2136/OUT refers) unit 1 would become even more visible.

It is evident that efforts have been made to improve the layout and unit 1 by being set further back in the site has a less staggered relationship with unit 2, than previously proposed. Further amenity space has been provided for unit 1 to both the north (side) and east (rear). The reduction in the stagger between the units and the reduction in ridge heights would also reduce the potential for the overshadowing of the rear garden of unit 1 by unit 2, which was a previous concern. However, it is still considered that the current layout would result in a fairly poor relationship between the properties proposed and Brockwell Farm (the main elevation of which views south across the site directly over the rear garden area of unit 1). It is understood that the owner of Brockwells Farm intends to live in unit 1 and therefore would be in full knowledge of the relationship proposed. Nonetheless, this does not mean that consideration of this issue should be

disregarded as the acceptability of the relationship between dwellings needs to be considered for both existing and future occupiers of all properties.

The rear part of the site lies outside of the built-up area boundary of Clyst St Mary. The proposed detached garage for unit 2 has been re-located from the south to the north boundary so as to be completely within the built-up-area-boundary and although now closer to Brockwells farm and to the immediate south of it, being single storey it is not considered that it would affect the amenity of those occupiers.

The supporting statement states that this land has no agricultural access and therefore could not be used for this purpose. The neighbouring property at Denver is also referred to as having a similar area of garden outside the built-up-area-boundary. It is proposed that this area of land would be mainly left to grass and trees and permitted development rights could be removed to retain control over future garden structures.

### **Effect on streetscene**

As previously mentioned the proposed units would be set on higher ground level to the street to the west. In the case of unit 1 its finished floor level is shown as approximately 2 metres above road level with that of unit 2 being a further 0.8 metres above road level. Although both Denver and Brockwell Farm House are similarly set above road level, these are set further back in their plots than unit 1.

The application proposes to demolish the existing 'Heavitree' stone wall that runs across part of the site frontage and to re-build this approximately 2.0 metres further back to improve visibility, the rest of the site frontage being retained behind a brick wall. A grass verge would be created between the wall and the road edge and a hedge planted to the rear side of the wall. The planning statement suggests that the grass verge could be constructed at such a height so as to allow visibility but to prevent the possibility of car parking across the site frontage, alternatively the verge could be banked. It is considered that these proposals would help to maintain the semi-rural character of this part of the lane.

The Parish Council has suggested that a pavement should be constructed across the site frontage instead of a grass verge. Officer opinion is that a footpath at this point is likely to look somewhat out of keeping, as there is no pavement to either side and may start to give a suburban appearance to the site. There has also been no request for this from the Highways Authority who would be responsible for the upkeep and maintenance of any pavement. Nevertheless, if required it is considered reasonable to require this to be provided by the applicant and secured through a legal agreement.

### **Effect on neighbouring properties**

The neighbouring property opposite is a bungalow that faces directly onto the road. The separation distance between this property and unit 1 is approximately 24 metres, this is considered adequate to ensure that the proposal would not result in any direct loss of privacy or amenity to the occupiers of neighbouring properties.

The distance from the end gable of unit 2 to the main elevation of the farmhouse is over 18 metres (there are no windows proposed in this elevation). It is therefore considered that apart from affecting the setting of Brockwell Farm House the affect on the amenity and privacy of its occupiers would be limited.

### **Access**

Access to the site is via the existing access to Denver which would be widened and the visibility increased by the demolition of the existing stone boundary wall and its re-building further back

from the road. The garage to unit 1 would be largely hidden from view apart from the door. The garage to unit 2 would be set further back in the site Denver and would be obscured from view. The views of the Highway Authority have been sought regarding the adequacy of the proposed access, no comments have been received at the time of writing, but from comments received on the previous application (which proposed the same access and visibility splays) it is considered unlikely that objection would be raised. It is hoped that the Highways Authority's comments can be delivered verbally to Committee.

### **Conclusion**

It is clear that efforts have been made to attempt to overcome the reasons for refusal on the previous application, the height of the units has been reduced, unit 1 has been set further back from the site frontage and now has a larger garden area proposed. It is considered that the development as now proposed has a reduced impact on the streetscene and that the inter-relationship between the two properties and between them and Brockwells Farm has been improved as a result of the changes. Nonetheless, it is still considered that the staggered layout of the properties and their positioning in relation to Brockwells Farm would result in a poor relationship between the properties. Furthermore, unit 1 although having been set further back in the plot would still appear visually prominent and detrimental to the streetscene. On balance therefore the application is recommended for refusal, as stated in the previous report, it may not be possible to achieve an acceptable form of development for two units and a single unit of an improved design may be more appropriate for the site.

### **Recommendation**

Refuse for the following reason.

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### **Reasons for Refusal**

1. The proposal by reason of the siting and design of the proposed residential units, and in particular that of unit 1, would result in a form of development that would be visually prominent within the streetscene and detrimental to the character and appearance of the surrounding area where neighbouring properties are set back further in their plots. It would therefore be contrary to policy C06 (Quality of New Development) of The Devon Structure Plan 2001 to 2016 and policies D1 (Design and Local Distinctiveness) and S3 (Development within Built-up Area Boundaries) of the East Devon– Revised Deposit- Local Plan (September 2003).

### **List of Background Papers**

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