

SEATON
(Seaton)

07/1327/OUT

Target Date: 04.07.2007

Applicant: Mr and Mrs F Shackelford
Location: 26 Barnards Hill Lane, Seaton
Proposal: New dwelling

CONSULTATIONS

County Highway Authority

Recommendation: No objection subject to the following conditions:-

1. There shall be no obstruction to visibility greater than 600mm above adjoining road level, forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage to Hawksdown View/Littlefields. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.
Reason: To provide adequate visibility from and of emerging vehicles.
2. At the junction of Hawksdown View/Littlefields with Barnards Hill Lane there shall be no obstruction to visibility greater than 300mm above adjoining road level within a splay based on minimum co-ordinates of 2.4m x 70m across land edged blue. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.
Reason: To provide adequate visibility from and of emerging vehicles.
3. A properly consolidated and surfaced (not loose stone or gravel) parking space/hardstanding of minimal dimensions on 5.5m x 2.4m and access drive thereto shall be laid out and maintained for that purpose at 90 degrees to the highway, in accordance with details and a specification with shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the provision of adequate facilities within the site for the traffic generated by the development.
4. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
Reason: In the interest of public safety and to prevent damage

TOWN/PARISH COUNCIL

Members agreed that the proposed dwelling would not detract from the area provided it is in the same style as properties in Hawksdown View. They do, however, have concerns at the lack of amenity space and therefore approve on (sic) the application for a dwelling provided it is of a size appropriate to enable sufficient amenity space within the site. Members request a 106 contribution to amenity provision within the town.

WARD MEMBER(S)

Cllr Margaret Rogers:

"Having considered this application I do not think a two storey dwelling should be allowed on this site and, therefore object to the application. Moreover having viewed the location I believe that

there could be an adverse effect particularly on traffic emerging from Hawksdown View, Littlefields and Armarda Way.

I should like this application to go to committee.”

Cllr Jim Knight:

“I have been to look at this site and would at this moment in time agree with the Town Council that this area of land is very capable of taking a dwelling. If this site is approved I would like to see some of the trees remain as screening when the actual design plan for a building is presented to the Council and a 106 Agreement put on the site for the future BMX Track that the town hope to achieve funding for. This project can proceed for the benefit of the younger generation in the town if planning gains can be achieved and used within the town. I would welcome this planning application going to Committee if there are any doubts about this site being used as it was originally a site for a dwelling and not part of the property that now own it.”

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

REPRESENTATIONS

Objections

4 letters have been received raising the following points:

- Parking problems
- Loss of privacy
- Road safety issues
- Overdevelopment
- Previous appeal dismissed

Support

3 letters have been received.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
90/P2224	Chalet bungalow and garage	Refused	17.12.1990
		appeal dismissed	16.04.1991
84/P1621	Change of use to garden	Approved	02.04.1985
81/P0482	Bungalow	Refused	19.05.1981

PLANNING POLICIES

Government Guidance

PPS1 - Delivering sustainable development
PPS3 - Housing

Devon Country Structure Plan (2001-2016)

Policy CO6 -Quality of new development

East Devon Local Plan (1995-2011)

Policy S4 – Development within built-up area boundaries
Policy D1 – Design and Local Distinctiveness
Policy RE3 – Open space provision in new developments
Policy TA7 – Adequacy of road network and site access
Policy TA9 – Parking provision in new development

SITE LOCATION AND DESCRIPTION

The application site is a triangular shaped area which is now part of the garden of No 26 Barnards Hill Lane. Originally it was an open area of amenity land at the junction with Littlefields and Hawksdown.

26 Barnards Hill Lane and the properties in Hawksdown are two storey houses, but the area generally is characterised by a mixture of single and two storey dwellings all built since the 1960's.

The site is bordered along the road frontage by a 1.8 metre close boarded fence behind which are Leylandii and some other trees and shrubs.

PROPOSED DEVELOPMENT

Outline permission is sought for a single detached 2 storey dwelling on this land which has an area of about 200m².

Included within the application drawings are details of the layout, scale and means of access. Matters reserved at this stage will therefore be appearance and landscaping.

Vehicular access to a parking space will be via an existing driveway off Hawksdown adjacent to a footpath giving access to the rear of properties in Hawksdown and Barnards Hill Lane. It is anticipated that the dwelling will be traditional two storey house reflecting the character and appearance of those nearby.

CONSIDERATIONS AND ASSESSMENT

As already noted this site was originally an open amenity area provided as part of the original estate layout.

Planning permission was refused in 1990 for a chalet bungalow and garage (see plan attached) for the following reasons,

1. The form of the proposed development is at variance with the layout plan of the estate as a whole and would be detrimental to both the appearance of the locality and the visual amenities of nearby occupiers by reason of excessive intrusion into their aspect.
2. The formation of a new vehicular access from Littlefields, near a bend and with no on-site turning facility, would be likely to result in danger to pedestrians and motorists using the highway.
3. The Local Planning Authority is not satisfied that the development can be carried out without interference with the public sewer that crosses the site.

In dismissing the subsequent appeal, (see attached) the Inspector concluded that the objections on grounds of road safety and interference with a sewer were not supported. He concluded only

the first reason was sustainable and that the appeal site remaining undeveloped was important to the general character of the area. The chalet bungalow proposed at the time was considered to be obtrusive, incongruous and conspicuously at odds with its neighbours. His view was that any dwelling, no matter how carefully and sensitively designed, would have the appearance of an afterthought crammed in unhappily on this shallow site, with roads fronting two of its three sides. There would also be some overshadowing of No.1 Hawksdown View.

The question now is whether there have been material changes since 1990 which would allow the site to be developed.

In the first instance it must be recognised that since 1990 the site has matured and no longer has such an 'open' appearance which is an important element in the character of the area. Nevertheless, the residential development in the immediate vicinity of the site has not changed as all nearby development pre-dates 1990.

PPS1 now includes the following statement;

'Planning Authorities should seek to:

- (viii) Promote the more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. Planning should seek actively to bring vacant and underused previously developed land back into beneficial use to achieve the targets the Government has set for developments on previously developed land.'

In addition PPS3 also requires Local Planning Authorities to try to achieve a mix of housing, particularly in terms of tenure and price, and to ensure that it is provided in suitable and sustainable locations. It also states that using land efficiently is a key consideration in planning for housing. However, this does not support development densities which are not compatible with the character of the site and its surroundings.

Whilst it is accepted that these are general statements with regard to planning policy, they do reflect a change in approach since 1990 but the Inspector's comments with regard to the visual impact on the area are still pertinent to today's policy.

The site is now smaller than the previous refusal when the Inspector considered that 'any dwelling on the application site, no matter how carefully and sensitively designed, would have the appearance of an afterthought, crammed in unhappily on this shallow site'. This is an objection in principle to development and the policy of the Council is still to protect the environment of our towns and prevent harm to the urban form, in terms of significant street patterns, groups of buildings and open spaces.

Whilst this site is now more enclosed, it still represents a prominent open and landscaped area that positively enhances the locality. The proposed development would stand out as an incongruous feature in this open part of the street scene with little relationship to the pattern of development characterising the area.

Local Plan Policy TA9 requires two or three bedroom dwellings to have a maximum of two parking spaces. This application indicates an area for one vehicle which for a modest dwelling in this location is sufficient.

The siting of the dwelling is a minimum of 10 metres from the side wall of No. 1 Hawksdown. It is also noted that as the site now contains a number of substantial trees there is already a degree of loss of sunlight within the garden of No.1 which is unlikely to be exacerbated by the building of a small dwelling in the position proposed. Provided first floor windows are strictly controlled, it is possible to ensure that any loss of privacy to neighbouring residents is kept to a minimum.

CONCLUSIONS

Whilst there is now more pressure on Local Planning Authorities to increase densities, this should not be at the expense of established open spaces that are important to the character of the area. The comments and decision made by the Inspector are still relevant to current policy and accordingly the recommendation is that this application be refused.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed site forms part of an important open and undeveloped area of land in a prominent location which enhances the environment of the area. The development of the site with a detached dwelling would result in a cramped form of development, out of keeping with the pattern of development in this area and result in a prominent and incongruous development to the detriment of the spacious environment of the locality. The proposed development would, therefore, be contrary to policies S4 and D1 of the adopted East Devon Local Plan 1995 – 2011 and policies ST1 and C06 of the Devon Structure Plan 2001 – 2016.
2. The proposal does not provide a mechanism for the provision of formal and informal recreational facilities in the settlement to meet the needs of the development. The proposal is therefore contrary to Policy RE3 of the adopted East Devon Local Plan 1995-2011.

List of Background Papers

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