

EXMOUTH HALSDON  
(Exmouth)

07/0720/FUL

Target Date: 03.05.2007

Applicant: FWS Carter and Sons Ltd  
Location: 33 Hulham Road, Exmouth  
Proposal: Replacement Dwelling

## **CONSULTATIONS**

### County Highway Authority

Construction of the footway would need to be secured within a s38 legal agreement. Details and a specification would need to be approved by the highway authority and secured in a legal agreement well before the commencement of the development.

Recommends that the following conditions shall be incorporated into the grant of any permission:

1. The development hereby approved shall not be occupied until a 3.0m wide footway has been constructed across the entire site frontage in accordance with a design and specification which shall have been previously submitted to and approved in writing by the local planning authority in consultation with the highway authority, and properly implemented to the satisfaction of the said authorities.
2. A turning area, parking space, hardstanding and access drive shall be laid out, properly surfaced, drained and maintained for those purposes in accordance with the approved plans.
3. The frontage wall shall be no higher than 600mm above adjoining carriageway level.

### Head of Environmental Health (Contaminated Land)

Basic Site Investigation recommended for all new residential development

## **TOWN/PARISH COUNCIL**

Objection on the grounds of over looking, loss of privacy, over development and out of scale.  
4 letters of representation received.

## **WARD MEMBER(S)**

No comments received.

## **REPRESENTATIONS**

### Objections

4 letters have been received raising the following points:

- Development would block light, view and privacy
- Retained shrubs and trees already removed
- Parking and access would be dangerous with the increased traffic
- Decrease in value of surrounding property
- Removal of Devon Bank would further increase loss of privacy

## **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
05/3107	Demolition of one dwelling and erection of two dwellings	Refused Dismissed at appeal	12.01.2006 15.06.2006
05/2181/FUL	Demolition of dwelling and erection of two replacement dwellings including new vehicular access	Refused	18.10.2005
05/1403/FUL	Demolish dwelling and replace with two detached dwellings including construction of new footpaths and access	Withdrawn	08.07.2007

## **PLANNING POLICIES**

### Government Guidance

Policy PPS1 – Delivering Sustainable development  
Policy PPS 3 – Housing

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

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

### East Devon Local Plan (1995-2011)

Policy S4 – Development within built up area boundaries  
Policy D1 – Design and Local Distinctiveness  
Policy TA6 - Adequacy of Road network and site Access

## **SITE LOCATION AND DESCRIPTION**

33 Hulham Road is a detached bungalow located within a street scene comprising mixed development in terms of design form and character. The property has a detached flat roof garage and a series of attached additions. The site is bordered by an old hedge bank to the front (directly onto the road), trees and shrubs to the rear and open side elevations.

## **PROPOSED DEVELOPMENT**

The application proposes the erection of a replacement dwelling that would be of two storey in height with front and rear projecting gables. The property would have an attached side elevation garage and a feature externally mounted chimney. It would be located centrally within the plot with new turning provision formed on site. In addition the front bank would be removed and a three metre wide footpath linking to that which already passes the front of the 35 would be formed. The front boundary treatment would be a brick wall.

## **CONSIDERATIONS AND ASSESSMENT**

The site is located within the built up area boundary for Exmouth and as such the principle of development including a replacement dwelling is accepted. However the specific site constraints still have to be overcome and in this instance the main issues concern the size and massing of the new dwelling, its impact on the amenity of the neighbouring property and the impact on highway safety. Furthermore this application comes on the back of three previous attempts to develop the site and most recently an appeal decision in 2006

### **Background**

The appeal considered the principle of two dwellings on the site and found that in essence such a mass of building form was acceptable and did not harm the character of the area. Furthermore the Inspector found that overlooking and dominating impacts did not harm neighbour amenity to the east (other side of the road) to the north (35 Hulham Road) or to the south (57 and 59 Phillips Avenue). To the west, it was noted that although a tree screen partially obscured views into the rear garden of 55 Phillips Avenue there was a section to the north of the plot where overlooking of the garden area was at a distance of 9m. With regard to highway safety there was concern raised that with insufficient on site parking and turning facilities additional street parking was likely which would harm safety and particularly the access emerging from Philipps Avenue onto Hulham Road. The appeal was therefore only dismissed on these two aspects. A copy of the Inspector's decision is appended to this report with a copy of the relevant plans.

### **Size and massing of the current scheme**

With the exception of the two projecting gables (front and rear) and the reduction in the number of properties sought, from two to one, the mass of this proposal is largely the same as considered by the Inspector. It is noted that the footprint has been marginally reduced and as such it would therefore be unreasonable to raise objections to the current scheme on this basis.

### **Impact on residential**

As per the previous scheme, there have been no side elevation windows inserted in the proposed property. Together with the lack of identifiable harm to amenity from the massing, this results in a scheme where no objections could be sustained in terms of amenity for properties located opposite the site, or those to either side. To the rear and the only location where the Inspector found discernible harm, the applicants are now proposing standard windows to the section that faces the existing tree screen and obscure glazed windows to the section that faces the gap in the screen. While it is noted that concern has been raised regarding the potential for obscured glass windows to be removed and replaced, this aspect can be controlled in perpetuity by condition. It is therefore considered that with a separation distance of 10.7m between the clear glass and the boundary (together with natural screening) and obscure glazed windows for the narrower section, no objections can be sustained and this is now considered acceptable.

### **Highway safety**

The proposal has been reduced to a single replacement dwelling and in so doing has enabled onsite parking and turning facilities to be provided for the new dwelling. Together with the new footway that is offered, this part of the scheme also overcomes the previous objection found by the Inspector.

### **Other issues**

It is noted that the only other issue raised by neighbouring residents and not covered above relates to property value. This is not a material planning consideration.

## **CONCLUSIONS**

By reducing the number of dwellings sought, amending the rear fenestration and amending the parking and turning facility, the applicants have attempted to overcome the reasons identified by the Inspector for the previous dismissal. Having considered the issues, it is accepted that these have been successfully addressed. Members are asked to note the architect's error in the north and south elevation drawings.

## **RECOMMENDATION**

APPROVE subject to the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason – To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. 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.)
3. No dwelling shall be occupied until its means of boundary enclosure has been erected in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.  
(Reason - In the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents.)
4. 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, B, C, D, or E for the enlargement, improvement or other alterations to the dwelling, other than works that do not materially affect the external appearance of the buildings, shall be undertaken to the south of the southern elevation hereby approved.  
(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.)
5. 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 windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed at first floor level or in the roof space of the dwelling hereby permitted.  
(Reason - To protect the privacy of adjoining occupiers.)
6. Before the dwelling hereby permitted is occupied the bathroom and ensuite windows on the west elevation at first floor level shall have been glazed with obscure glass and the obscure glazing of these windows shall thereafter be retained at all times.  
(Reason - To protect the privacy of adjoining occupiers.)

7. The development hereby approved shall not be occupied until a 3.0m wide footway has been constructed across the entire site frontage in accordance with a design and specification which shall have been previously submitted to and approved in writing by the local planning authority in consultation with the highway authority, and properly implemented to the satisfaction of the said authorities.  
(Reason: To provide and safeguard adequate vehicular visibility at the site entrance and to provide safe pedestrian facilities for the occupiers of the premises.)
8. A turning area, parking space, hardstanding and access drive shall be laid out, properly surfaced, drained and maintained for those purposes in accordance with the approved plans.  
(Reason: To ensure the provision of adequate facilities within the site for the traffic generated by the development.)
9. The frontage wall shall be no higher than 600mm above adjoining carriageway level.  
(Reason: To provide adequate visibility from and of emerging vehicles to pedestrians using the proposed footway.)

#### Informatives

1. The applicants are advised that Condition 7 (noted above) will also result in the requirement of a Section 38 legal agreement with the Local Highway Authority. This ensures that the that the footway is built to an adoptable standard for subsequent adoption and dedication to the Highway Authority

#### Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001 – 2016 policies C06, TR10.
2. The proposal complies with the East Devon Local Plan, Revised Deposit, September 2003, policies S4, D1, TA6,
3. The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.
4. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

#### Approved plans

5536-08C

#### List of Background Papers

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