

OTTERY ST MARY
(Ottery St Mary Rural)

07/1525/FUL

Target Date: 24.07.2007

Applicant: Mr and Mrs Gilkerson
Location: 21 Chrystal Close, Tipton St John, Sidmouth
Proposal: Erection of dwelling with detached garage

CONSULTATIONS

County Highway Authority

No objection was raised on the previous outline submission (06/0185/OUT). In any event planning permission was granted, presumably using the same access arrangements as now being proposed under this full application. Therefore, it would be unreasonable to raise a highway objection provided that sufficient on-site turning parking and turning facilities are made available for the existing and proposed dwellings

Environment Agency

No objections to this proposal providing all development proceeds in accordance with the submitted flood risk assessment (FRA) dated May 2007.

Head of Environmental Health

The following recommendation should be applied to any planning permission granted. This is due to the historic use of the site for rail sidings.

It is recommended that soil sampling and testing is undertaken to assess the presence and/or concentration of any contamination associated with former or present site uses. Results of any chemical testing should be forwarded, along with a detailed map of site investigations, to the Contaminated Land Officer at EDDC for assessment. The advice of a specialist consultant should be sought for these works.

PARISH COUNCIL

Refusal recommended:

- Imposing building too close to adjoining dwelling
- Two storey dwelling is intrusive, there is room on the site to re-position
- Loss of light, privacy and amenity to neighbouring bungalow

WARD MEMBER(S)

The initial comments of the ward member (Councillor Bloxham) are as follows:-

“I am aware that there have been some concerns expressed about this application particularly about it being overbearing on the adjacent bungalows. The proposed dwelling is, however, alongside an existing two storey dwelling. Perhaps the reduction in ridge height suggested in the amendment might go some way to alleviating concerns.

As it stands I am content that this application is dealt with under delegated powers.”

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

2 letters of objection received

Summary of objections:

1. Height of proposal and proximity of it in relation to surrounding bungalows
2. Loss of privacy and amenity due to overlooking of neighbouring properties
3. Loss of views
4. Loss of light
5. Room elsewhere on site to re-position dwelling

RELEVANT PLANNING HISTORY

App. No:	Proposal	Decision	Date
06/0185/OUT	Dwelling with detached Garage	Approved	15.03.07

PLANNING POLICIES

Government Guidance

PPS 1 - Planning Policy Statement 1: Delivering Sustainable Development
PPS 3 – Housing

Devon County Structure Plan (2001-2016)

Policy CO6 – Quality of New Development

East Devon Local Plan (1995-2011)

Policy D1 – Design and Local Distinctiveness
Policy EN20 – River and Coastal Flooding
Policy S3 – Built-up Area Boundaries for villages
Policy S4 – Development within Built-up Area Boundaries
Policy TA7 – Adequacy of Road Network and Site Access

SITE LOCATION AND DESCRIPTION

The site relates to part of the side garden of No. 21 Chrystel Close, which is a red brick and tile chalet bungalow. The access driveway runs off the west side of Chrystel Close, a residential cul-de-sac, to No. 21 which is one of a pair of similar properties set back from the highway. The surrounding properties in Chrystel Close are primarily bungalows and split-level bungalows. No.21 has adequate garden space to the front and rear and to the side it benefits from an extensive garden much of which is wooded, there is also a pond in the southwest corner of the site. The portion of the garden closest to the existing property is relatively level but slopes away to both the east and west (positioned as it is on part of the old railway embankment). The eastern boundary of the site is marked by a brick wall with fence infill panels with the boundary to the west being formed by post and rail fencing.

The site lies partially within and partly outside of the designated built-up area boundary (although the buildings footprint would be almost entirely within the boundary – about two thirds within, with the garage about one third within). The site is also within the indicative fluvial floodplain of the River Otter.

PROPOSED DEVELOPMENT

The application seeks full planning permission for the erection of a dwelling on the site and a detached garage.

CONSIDERATIONS AND ASSESSMENT

Outline planning permission was granted for a dwelling on the site in 2006. This permission restricted the development to a single storey form but allowed accommodation within the roof space. The current proposal has been amended from a reserved matters application as certain elements differ from the outline approval (namely: floor levels decreased, detached garage re-introduced). However, the proposed siting remains similar to that granted consent and the access drive to serve it would also be similar.

The Parish Council has reiterated concerns raised by neighbours that the proposed siting is too close to the adjoining dwelling and that there is room on the site to reposition this. The siting is constrained by the built-up area boundary of the village that cuts across the site to the south. Inside of the built-up area boundary residential development is acceptable in principle and outside of which there would be an in principle objection. The new dwelling has been positioned so as to be as close to the original house as practicably possible to ensure that the majority of the development is inside the built-up area boundary and so that any dwelling would not appear visually isolated. Regarding the proximity to the adjoining bungalow to the east the distance from the front elevation to the boundary with this property would be approximately 12 metres. Therefore and whilst the parish council/neighbours concerns regarding siting are noted, moving the dwelling further to the south would not be acceptable.

It is considered that the main issues in the determination of the application therefore relate to the design and external appearance of the dwelling and garages as well as the siting of the garage, and the impact of the new dwelling on neighbouring properties.

Design and External Appearance

The proposed dwelling would be of a chalet style (ostensibly single storey in form) but with accommodation provided in the roof space and including a full height gable projection on the east elevation. The dwelling would be finished in brick with render to the first floor gables. The roof would be of slate.

The proposed double garage would be sited to the east of the house on lower land and adjacent to the boundary with the neighbouring dwelling. This would be finished in similar materials to the dwelling and would be of simple pitched roof form. The garage's ridge height has been reduced from the original proposal in an attempt to minimise the impact on adjoining neighbours and it is not considered that this proposal would have any significant impact on neighbouring amenity.

The proposed design differs from that of No. 21 Chrystel Close and to the shallower pitched single storey buildings to the east. However, public views of the site would be limited and the variation in design in the surrounding area means that there is no overall form with which to conform.

The parish council have objected on the grounds that the proposed dwelling would be too imposing on neighbouring occupiers. However, whilst the finished floor levels would be slightly higher than those of the bungalows to the east, given the distance from the boundary and the fact that the ridge height would be lower than the adjoining property No. 21 Chrystel Close it is not considered that the proposal would have an overbearing impact.

Impact on neighbouring privacy/amenity

Due to the siting agreed at outline (which was constrained by the built-up area boundary line) and which is similar to that now being considered, there is potential for the rear garden areas of the properties to the east being overlooked (any overlooking at present being limited). The difference in site levels, with the proposed building atop the former railway embankment could potentially accentuate this issue.

The outline approval was conditioned to prevent any windows at first floor level within the roof slope from overlooking to this side but did not prevent windows per se. The current application is, however, a full application and whilst this issue can be reconsidered there are no material changes that should lead to a different view being taken. The current application indicates only rooflights and one high level window serving first floor accommodation on the east side of the property, all of which are indicated to be obscure glazed.

It is understood from neighbouring occupiers at Nos. 19 and 20 Chyrstel Close (the closest properties to the east) that there are concerns over the siting of the proposal, its height and form and potential overlooking from roof lights and the high level window proposed on the gable (at first floor level). In terms of siting this is broadly the same as previously agreed and is considered acceptable. In terms of the height of the building, this is lower than No. 21 and although the dwelling would be set on higher ground levels and the obscure glazing of these windows attempts to address these issues (it is noted that even without obscure glazing the level of potential overlooking afforded from the first floor openings may not be considered sufficient to raise objection on these grounds). The principle views at first floor level would be to the west. Of those openings at first floor level facing east, one of the rooflights would provide light to the living room and the other roof light would serve a stairwell, the high level window on the gable projection would serve a study. This high level window to the study could afford overlooking from people standing and viewing out of it but it has been indicated that this would be obscure glazed.

Other issues

The proposal now shows floor levels in line with that of No. 21 and not higher as previously required (on the outline application) the Environment Authority has commented that provided the development is carried out in accordance with the submitted flood risk assessment there would be no objection to the proposal.

CONCLUSIONS

The proposal is submitted as a full application as the site levels have been lowered from those required by condition at outline stage. This however, would have the effect of lowering the ridge height of the proposal and is therefore considered to be an improvement over what could be built under the outline permission. In other regards the proposal is similar to the outline approval regarding siting and access. The design of the proposal is for an ostensibly single storey form of dwelling but with accommodation provided within the roof slope at first floor level. Whilst the concerns raised by the parish council and objectors are noted it is not considered that the impact of the development on neighbouring occupiers would be significant and the application being considered acceptable in all other regards is recommended for approval. The fact that about one third of the new dwelling and part of the garage are shown outside the development boundary needs to be considered against the use of land being established as a domestic garden. The development boundary here is a notional line. Without any significant visual intrusion it would be difficult to defend a slavish adherence to the development boundary on this occasion.

RECOMMENDATIONS

APPROVE subject to the following conditions:

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been 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. 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 development of the types described in Classes A, B, C (extensions, roof extensions and other alterations to the roof of the building) or E (outbuildings, swimming pools or other forms of enclosure) shall be carried out unless previously agreed in writing by the Local Planning Authority.
(Reason - In order to allow the Local Planning Authority to retain control over such development in the interests of the character and appearance of the surrounding area and neighbouring privacy and amenity.)
3. The development shall be carried out in accordance with the findings and recommendations of the submitted Flood Risk Assessment dated 12th May 2007.
(Reason – In the interests of flood prevention.)
4. 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 provision of new tree and hedgerow planting, to supplement existing planting along the east boundary of the site in line with the proposed dwelling such details to include: the size, species, number and spacing of specimens;
 - Further details of all walls, fences or other boundary treatment, (to include type height and design)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.)
5. A turning area, parking spaces/garage and access drive thereto shall be laid out and maintained for those purposes for the existing and proposed dwellings in accordance with the approved plan (drawing no. BS1027/02.07/01/HR), with the works completed prior to the occupation of the new dwelling.
(Reason - To ensure the provision of adequate facilities within the site for the traffic generated by the development.)
6. The proposed 1st floor windows and rooflights on the eastern elevation shall be fitted with obscure glazing and fixed such and maintained as such in perpetuity. No other windows or rooflights shall be inserted into the east elevation at first floor or roof level without the prior written consent of the Local Planning Authority.
(Reason – In the interests of the privacy and amenity of adjoining neighbours.)

Reasons for Approval

1. The proposal complies with the Devon Structure Plan 2001-2016 policies: C06
2. The proposal complies with the East Devon Local Plan 1995-2011 policies: D1, EN20, S3, S4, and TA7.
3. The proposal does not adversely affect the privacy and/or amenity of neighbouring occupiers
4. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

Note to applicant

CN04 – Site Location plan, BS1027/02.07/01/HR, Landscape plan, 07-029 – 1 rev. E, 07-029 – 2 rev. E, 07-029 – 3 rev. E, 07-029 – 4 rev. E, 07-029 – 5a rev. C

- It is recommended that soil sampling and testing is undertaken to assess the presence and/or concentration of any contamination associated with former or present site uses. Results of any chemical testing should be forwarded, along with a detailed map of site investigations, to the Contaminated Land Officer at EDDC for assessment. The advice of a specialist consultant should be sought for these work

List of Background Papers

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