

EXMOUTH HALSDON
(Exmouth)

07/1736/FUL

Target Date: 15.08.2007

Applicant: Mr J Stone
Location: Land Rear of 7 Seafield Avenue, Exmouth
Proposal: Erection of dwelling

CONSULTATIONS

County Highway Authority

No objection subject to conditions controlling access

Environmental Health

With reference to PPS 23 annex SS 2.42 'proposed end use would be particularly vulnerable' and SS 2.27 'on a precautionary basis, the possibility of contamination should be assumed when considering uses that are particularly sensitive to contamination'. Therefore a basic site investigation (phase 1 desk study) should be required to ensure that the development will be safe for future site users/occupiers. Please select appropriate condition from PPS 23 recommendations or approved conditions list.

TOWN COUNCIL

No objection

WARD MEMBER(S)

The initial comments of the Ward Member(s) are -

Cllr Elson:
Suggested Action: Object to the application

Reasons For Action:

I wish this application to be considered with Application number 07/1741 which seems to be alongside.

I recommend a site inspection with 07/1741

The proposed property seems very large for the site with a narrow access and could be overlooked by the original house number 7 Seafield.

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

2 letters have been received raising the following points:

- Position of new driveway is opposite existing access and could make entrance and egress more difficult
- Concern about the additional traffic having to turn within Seafield Avenue.

- Boundary fence to either side of the proposed driveway should be at least 1.9m high to protect loss of privacy.

Support

1 letter has been received raising the following points:

- No objections provided new access is used solely for the purposes of access to the new dwelling and not to other plots in Halsdon Lane

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
06/1443/FUL	Erection of bungalow & detached garage	Approved	15.08.06

PLANNING POLICIES

Government Guidance

PPS1 – Delivering Sustainable development
PPS 3 – Housing

Devon Country Structure Plan (2001-2016)

Policy ST5 - Development Strategy
Policy TR1 - Devon Travel Strategy
Policy TR2 - Co-ordinating Land Use Travel Planning

East Devon Local Plan (1995-2011)

Policy S4 - Development within built up area boundaries
Policy D1 - Design and Local Distinctiveness
Policy TA7 - Adequacy of Road network and site Access
Policy RE3 – Open Space Provision in new Housing Developments

SITE LOCATION AND DESCRIPTION

The site is the lower third of the garden of No. 7 Seafield Avenue. The land falls steadily to the south and this rear portion has been an informal secondary garden to date. The plot has an existing field access onto Halsdon Lane, which is a narrow farm track. The plot already has existing permission for the erection of a single bungalow and detached garage, which would be accessed from the Halsdon Lane.

PROPOSED DEVELOPMENT

The application proposes the erection of a two storey detached dwelling located within the rear garden of 7 Seafield Avenue. The building would be accessed from Seafield Avenue by means of a driveway following the existing boundary between 7 and 9 Seafield Avenue. This would be delineated by a 1.9m close boarded fence.

The dwelling would have a rear positioned and linked double garage while the front elevation would be dominated by two shallow pitched gable sections. The property would be faced in brick with quoin detailing.

CONSIDERATIONS AND ASSESSMENT

The application is located within the built up area boundary of Exmouth which is considered as a sustainable settlement with access to facilities and services. Although this site is located on the edge of the settlement, the principle for new development is accepted. This is further noted by the extant permission which this site enjoys and which was granted in 2006. In this regard the main issues, remain the impact on the character and appearance of the area, the impact on the residential amenities of the neighbouring properties, highway safety and access.

Character and Appearance

The existing garden of No. 7 Seafield Avenue is very large and even with the loss of the current plot the existing house would retain a garden proportionate to the scale of development and plots in the immediate locale.

As with the last application it is noted that there will be some impact on the character of the access lane. In allowing the adjacent development on appeal, the Inspector did note that access works would open up the lane and change its character. However this concern was not considered sufficient to dismiss the appeal. Further this application now seeks to take access from Seafield Avenue rather than the access lane and in this regard should have a reduced effect. No objections are therefore raised on this issue.

The boundary fence dividing the plots and in particular the proposed driveway may cause some loss of character to the street scene of Seafield Avenue which is fairly verdant in character. It would be beneficial to limit the height of the section of fence that is forward of the building line to 1.2 metres such that its intrusion is limited. Further it is recognized that a similar arrangement has already been permitted between 1 and 3 Seafield Avenue and together with additional screen planting that maintains the verdant character of the area.

Design

In terms of design the property currently proposed is larger (particularly in height than previously permitted). This application seeks to set the dwelling into the ground such that its visual intrusion and massing is limited. Further with two storey dwellings already allowed in the adjacent plot (land to the rear of 5 Seafield Avenue and a current application to alter this arrangement to two dwellings) together with the already constructed dwelling to the rear of 3 Seafield Avenue, the principle of such development is clearly established. The property is of substantial proportions, but the design and appearance will not harm the character of this mixed area.

Residential Amenity

In terms of residential amenity there are two aspects which need consideration, namely the potential for overlooking from the new dwelling and the impact that the proposed driveway would have passing between 7 and 9 Seafield Avenue.

In terms of overlooking the new property is set within its plot and cut down into the existing slope. This reduces the massing and dominance and also retains the views for the original (host) dwelling. Furthermore there is a separation distance between the proposed and existing property of 46 metres. With additional vegetation and this separation distance no objections are raised on this issue. The proposed East elevation would face the adjacent plot where two new dwellings are proposed, these windows are limited to the ground floor and would have overlooking prevented by standard boundary treatment.

While access driveway's passing between properties can have harmful effects in terms of noise smells and particularly headlights, the separation distance between the proposed drive and both properties is significant and limits any harm arising. Furthermore the erection of a boundary fence, while reducing the character of the area, will further assist in limiting impact on amenity.

Highway Safety

The previously approved dwelling on this plot, had permission for access from Halsdon Lane. This was on the recognition that while the lane was substandard, two appeals had been lost and it would be unreasonable to further cite this as an objection in the light of continued support for such an arrangement from the Planning Inspectorate. The current application proposes to give up this right and take its access from Seafield Avenue. In this regard, the visibility and highway safety where the driveway joins both Seafield Avenue and at the junction between Seafield Avenue and Exeter Road is a substantial improvement and is considered acceptable. It is considered that this opportunity should be taken to close off the previous access onto Halsdon Lane in the interest of public safety. The Local Highway Authority have advised that if permission is granted for this access, then conditions should be imposed which seek control over visibility splays, use and surfacing of the driveway and the access onto Halsdon Lane. These are considered reasonable and necessary.

Public open space provision

This is an important aspect within the adopted Local Plan and set outs a requirement under Policy RE3 that for all new development of 1 unit of accommodation or more financial contributions are sought in respect of off site public open space provision. While management of this can only be achieved through a section 106 agreement or Unilateral Undertaking neither has been submitted with the application. If Members resolve to grant permission there would be a need to secure a contribution from the developers towards the provision of off-site open space facilities. It is recommended that this be achieved via an appropriate condition.

CONCLUSIONS

The application seeks to vary a previous permission in terms of the size and scale of the property and its position for access. In this regard the impact that these would have on the character of the area, residential amenity and highway safety have been considered and are considered satisfactory in terms of policy.

RECOMMENDATION

APPROVE subject to the following 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. No development shall take place until details of a mechanism for the provision of formal and informal recreational facilities in Exmouth to meet the needs of the development in accordance with policy RE3 of the adopted East Devon Local Plan 1995 – 2011 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason – To ensure adequate provision of open space is made to meet the needs arising from the proposed development.)

3. 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.)
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 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.)
5. Notwithstanding the submitted plans, the boundary fence marking the new driveway from Seafield Avenue, shall be limited to no more than 1.2 metres in height for the section forward of the building line fronting on to Seafield Avenue.
(Reason – To protect the character and appearance of the area.)
6. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the local planning authority for a distance of not less than 6.0m back from its junction with the public highway.
(Reason: To prevent surface water mud and other debris being carried onto the public highway)
7. The access driveway shall have a width of not less than 3.5m over its entire length.
(Reason – To ensure adequate access for emergency vehicles.)
8. The site access shall be provided with a pedestrian visibility splay at the back of the footway of 2.0 x 2.0m as indicated on the site plan. The splay shall thereafter be permanently maintained.
(Reason - To ensure adequate access for emergency vehicles)
9. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hardstanding, access drive and access drainage have all been provided and maintained in accordance with details that shall have been submitted to, and approved in writing, by the local planning authority and retained for that purpose at all times.
(Reason - To ensure that adequate facilities are available for the traffic attracted to the site)
10. The existing vehicular access to the site from Halson Lane shall be effectively and permanently closed to vehicular traffic in accordance with details which shall have previously been submitted to and approved by the local planning authority as soon as the new access to Seafield Avenue is capable of use.

(Reason - To prevent the use of a substandard access and to minimise the number of access onto the public highway.)

11. Before the development is commenced the site shall be investigated for ground conditions, soil and groundwater contamination and landfill gas in accordance with details to be submitted to and approved by the Local Planning Authority. The investigation shall be undertaken to the satisfaction of the Local Planning Authority and details of all results, assessment and measures needed to render the development safe shall be submitted to and approved by the Local Planning Authority before the development is commenced or in accordance with a timetable to be agreed with the Local Planning Authority.
(Reason – To ensure that site is safe for development and the end use.)

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001 – 2016 policies ST5, C06
2. The proposal complies with the adopted East Devon Local Plan, policies S4, D1 and TA7.
3. The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.
4. The access to serve the proposal does not prejudice highway safety.
5. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

Approved plans

5886/10, 5886-03C

List of Background Papers

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