

OTTERY ST MARY  
(Ottery St Mary Rural)

07/3073/FUL  
(Full)

Target Date: 28.12.2007

Applicant: Mr and Mrs Gilkerson

Location: 21 Chrystel Close  
Tipton St John

Proposal: Erection of dwelling with detached garage

### **CONSULTATIONS**

#### County Highway Authority

Reiterate comments made on 07/1525/FUL namely,

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 development proceeds in accordance with the submitted flood risk assessment (FRA) dated 12<sup>th</sup> May 2007.

#### Head of Environmental Health

Suggests that the following conditions be imposed:

During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 hours and not at all on Sundays or Bank Holidays

Reason – To prevent disturbance to nearby residential properties

No waste materials shall be burnt upon the land within the application site.

Reason – To protect the residential amenity of the locality and in the interests of the protection of the atmospheric environment

### **PLANNING HISTORY**

<b>App. No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
06/0185/OUT	Dwelling with detached Garage	Approved	15.03.07
07/1525/FUL	Erection of dwelling with Detached garage	Approved	11.09.07

### **TOWN COUNCIL**

Refusal recommended:

- This building is partially outside the building line
- Situated inside the Flood Plain

## **WARD MEMBER(S)**

The initial comments of the ward member(s) are as follows -

"I had no real difficulty with the original application at this site. This revised application attempts to respond to concerns by neighbours by moving the proposed dwelling some 4 metres to the south. It does move the dwelling a bit further from the neighbours at the cost of being about 50% outside the building line of the village although I am not sure this will be enough To satisfy the original objections from neighbours.

There are some village building lines which attract comment that they are not easily understood and this may be one of those. It is also in the flood plain as far as I can tell.

As I saw no real issue with the original application, I have no real concerns about this one provided that the planning authority is content to relax policy on the building line issue."

## **REPRESENTATIONS**

1 letter of representation received from neighbouring occupiers supporting the case for the re-location of the dwelling much further south in the plot, although no comments received directly relating to the proposed siting.

## **PLANNING POLICIES**

### **Government Guidance**

- PPS 1 - Planning Policy Statement 1: Delivering Sustainable Development
- PPS 3 – Housing
- PPS 25 – Development and Flood Risk

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

- CO6 – Quality of New Development

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

- D1 – Design and Local Distinctiveness
- EN20 – River and Coastal Flooding
- S3 – Built-up Area Boundaries for villages
- S4 – Development within Built-up Area Boundaries
- 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 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. 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**

Full planning permission was granted earlier this year for a dwelling of the same design and external appearance (07/1525/FUL refers). The current application seeks planning permission to move the footprint slightly further to the south and turn it slightly in a northeastwards direction. It is understood that this is proposed in response to neighbour concerns relating to a loss of view/outlook from their own property immediately to the east of the site. However, it should be stressed that although objection was raised to the siting of the previously approved dwelling (by neighbours and the town council) this was considered to be acceptable, to not impact adversely on neighbours and was approved by the Development Control Committee. An outline planning permission granted prior to the previous full application also restricted the development to a single storey form but allowed accommodation within the roofspace. The approved full application respected the spirit of this permission.

### Principle of development

The siting of any dwelling on the site 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. Such boundaries are drawn up (often tightly) around villages to avoid sporadic development into open countryside and in order to define and contain their built-form. The previous proposal was positioned so as to be as close to the original house as practicably possible, to ensure that the majority of the development was inside the built-up area boundary and so that any dwelling would not appear visually isolated.

The current proposal seeks to move the dwelling further to the south (between 3 and 4.1 metres) so that the majority of it would lie outside the built-up area boundary. It should be noted that the position of the built-up area boundary shown on the submitted site plan differs from what is considered to be the true positioning of this. However, it is accepted that in this case the exact positioning of this line is somewhat notional as the line does not appear to have been defined by any particular physical feature. The re-positioning would have some effect in terms of greater separation from the existing property (and the built form of the village) and the Town Council's views are acknowledged in this regard. Nevertheless, the approved positioning and relationship between properties was considered to be satisfactory and therefore what needs to be assessed is what, if any, harm would result from the re-positioning of the dwelling such that more of it were outside the built-up area boundary. Whilst there would be objection in allowing continued incremental moving of the dwelling further to the south, taking a pragmatic view it is not considered that in this instance the difference between the approved and proposed siting would be significant enough to justify a refusal of the application. However, any further proposals to move the dwelling further south would be likely to raise objection.

### 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 first floor of 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.

Objection was previously raised by the town council on the grounds that the approved 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 was not considered that the dwelling approved would have resulted in an overbearing impact, the current proposal if anything may appear slightly more imposing from the gardens of neighbouring properties to the east where the gardens of these properties slope gently away from their rear elevations.

#### Impact on neighbouring privacy/amenity

The impact on neighbouring properties may be slightly improved as there would be greater distance between the proposed dwelling and the neighbouring property to the east and the angle of view from ground floor windows widened. Views from the ground floor kitchen window would also be further restricted by the positioning of the garage to the east, which has remained unchanged from that approved. Having said this, the relationship between the approved and neighbouring property was considered to be perfectly acceptable and not to result in any loss of privacy or amenity. There would be no overlooking from first floor windows towards neighbouring properties.

#### Other issues

The proposal shows floor levels in line with that of No. 21. 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.

In terms of open space contribution, it should be noted that no provision was made on the original 2006 outline permission which remains extant. Because this permission could still be implemented, it was considered unreasonable to include a requirement for an open space contribution on the full planning permission (ref. 07/1525/FUL) which would have resulted in a better form of development than that previously granted. For the same reasons it is considered unreasonable to impose an open space requirement on this current application.

### **CONCLUSIONS**

The proposal is for ostensibly the same dwelling as approved under application 07/1525/FUL but with an alteration to its siting, moving it slightly further to the south. The revised positioning would result in the majority of the building being outside the built-up area boundary line. Nonetheless, in this location the impact of this change over what has already been approved is not considered to be significant enough to warrant refusal on the issue of principle alone and accordingly the application is recommended for approval.

## **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 12<sup>th</sup> 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).  
(Reason - To ensure the provision of adequate facilities within the site for the traffic generated by the development)
6. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included

within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in National Joint Utilities Group (NJUG) Publication Number 10 1995.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area.

7. During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 hours and not at all on Sundays or Bank Holidays  
(Reason – To prevent disturbance to nearby residential properties)

#### **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, 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 – 5 rev. D

- 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.