

OTTERHEAD
(Stockland)

07/2557/FUL

Target Date: 06.11.2007

Applicant:

M Martin

Location:

Bay Cottage (formerly Bay House), Stockland

Proposal:

Erection of replacement dwelling and detached garage building

CONSULTATIONS

County Highway Authority

No objection

TOWN/PARISH COUNCIL

Parish Council objects to the proposed development on the following grounds:

1. The existing property appears to be in a sound and habitable condition.
2. There is no evidence, such as an adverse structural survey report, to justify demolition and rebuilding of this dwelling.
3. It would appear from the site layout plan that part of the proposed development will encroach onto Stockland Turbary land.
4. Any development, as proposed, will cause major disruption and potentially cause damage to the lanes and hedgerows leading to the site.

WARD MEMBER

The initial comments of Councillor D Key are as follows: -

“ Planning policy allows the demolition of a dwelling with the build on the same footprint.

This proposed development is larger than at present and so means over development of the site, especially in a very sensitive conservation area within the Blackdown Hills and would overlap the common land boundary. To demolish and rebuild would cause great disturbance to the vast wildlife surrounding this site.

The property is perfectly sound and habitable.

The surrounding land is known as the Stockland Turbary land and owned by the people of the Parish Council“.

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

5 letters have been received raising the following points:

- The existing house is of solid construction. It should not be demolished.
- The proposal would amount to overdevelopment in the Area of Outstanding Natural Beauty resulting in a building too high and out of character with its surroundings.

- The owners contribute little to community life and there is a fear that the new house could become a second home, depriving local people of a dwelling.
- The turbary adjoining the house has been cut down.
- The proposal would result in the demolished material creating more landfill problems.
- The applicant has previously demolished a farmhouse, viz. Waterhouse Farm in the Yarty Valley, in order to build a modern manor.
- During the works, there will be problems of noise, dirt and smoke and lorries using inadequate lanes which will result in further damage to the highway network.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
07/1495/FUL	Extension and alterations to dwelling including erection of detached building for garaging/studio with storage above	Approved	17.07.07

PLANNING POLICIES

Devon County Structure Plan (2001-2016)

Policy ST1 – Sustainable Development
 Policy C03 – Areas of Outstanding Natural Beauty
 Policy C06 – Quality of New Development

East Devon Local Plan (1995-2011)

Policy D1 – Design and Local Distinctiveness
 Policy EN1 – Developments Affecting Areas of Outstanding Natural Beauty
 Policy H11 – Replacement of Existing Dwellings in the Countryside.

SITE LOCATION AND DESCRIPTION

Shore Bottom is a hamlet to the east of Stockland Hill and to the south-west of Stockland itself. The premises comprise a detached house to the east of the adjoining lane in an extensive garden with paddock to the rear.

PROPOSED DEVELOPMENT

The Committee's attention is drawn to the previous permission (07/1495) which involved an extension to the existing house. It is now proposed to take the building down completely on the grounds of cost and rebuild the dwelling in the exact form of the existing house and the permitted extension, apart from a bay window extension to bedroom 1. Therefore, in size and detailed design the proposal would result in a building of virtually the same size and external appearance

The previous permission also included a garage/studio approximately 30 metres from the house. It is now proposed to erect a smaller building measuring 8.3 m x 4.2 m comprising garage and garden room in a similar position to the rear accessed from the existing drive.

The new house would be rendered with a roof of natural slate.

CONSIDERATIONS AND ASSESSMENT

The only issue for consideration is the acceptance or not of the principle of rebuilding the dwelling.

Principle of rebuilding

Policy H11 of the Local Plan states that proposals for the replacement of an existing dwelling outside the defined Built-up Area Boundaries will be permitted, provided they meet certain criteria.

First a permanent, habitable dwelling must exist on the site, second the replacement dwelling must be located on or adjacent to the existing footprint, third it must be of similar size, scale, height and mass, fourth it must not detract from the Area of Outstanding Natural Beauty and last, the dwelling to be replaced should not be of architectural importance.

The proposal is to reconstruct an a virtual copy of what now exists with the extension and therefore meets the first four criteria. In respect of the last point, Bay Cottage is an older style property which was modernised probably about 50 years ago. It is considered that it possesses no particular architectural merit or importance in the landscape.

It may be questioned exactly why the applicant wishes to rebuild a relatively undistinguished building exactly in its existing form but if, on demolition, he wanted to propose an alternative a further application would be required and the criteria of H11 would again be applied.

Following the earlier grant of planning permission, the applicant undertook costings in relation to the necessary requirements of the Building Regulations. These requirements proved to be more costly than simply to demolish and rebuild to modern standards.

CONCLUSIONS

The objections of the Ward Member and those who have made representations are noted, but the points raised are not considered sufficient to recommend anything other than permission. The applicant has now omitted land that is subject to rights of turbary from his control and, in any event, this matter is not a material planning consideration. The other issues raised such as the potential for this to be a second home etc. do not warrant a refusal of planning permission.

Permission is, therefore, recommended.

RECOMMENDATION

APPROVE subject to the following conditions:-

1. The facing materials to be used on the development shall only be as set out in the application and on the plans approved and samples of the roofing materials to the house and the garden room/garage shall be submitted to and approved by the Local Planning Authority before development is commenced. The development shall be built in the materials approved.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area.)
2. The garden room/garage hereby permitted shall only be used in association with the domestic occupation of Bay House and shall not be used for any commercial or independent residential purpose.

(Reason – The development is in open countryside where such uses would be contrary to national and local policy.

3. Site layout plan conditions (To include garage as well)

Reasons for the Decision:

1. The proposal complies with the Devon Structure Plan: First Review 1995 – 201, policies ST1, C03 and C06.
2. The proposal complies with the East Devon Local Plan, Revised Deposit, September 2003, policies D1, EN1, H11.
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.
5. The proposal does not harm the natural beauty of the landscape designated as an Area of Outstanding Natural Beauty.
6. The access to serve the proposal does not prejudice highway safety.
7. The proposal would not generate a level of noise that would unreasonably affect the amenity of nearby properties.

List of Background Papers

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