

NEWTON POPPLEFORD
AND HARPFORD
Newton Poppleford and
Harford

07/2559/FUL

Target Date: 12.11.2007

Applicant:

Hudson

Location:

Highnooke, Newton Poppleford

Proposal:

Erection of bungalow and alteration to access and formation of parking for existing dwelling

CONSULTATIONS

County Highway Authority

Comments awaited

Environmental Health

No comments

TOWN/PARISH COUNCIL

Comments awaited

WARD MEMBER(S)

No comments received

REPRESENTATIONS

Objections

17 letters have been received raising the following points:

- Lane providing access to the site is too narrow to support additional traffic
- New bungalow will impinge of the quality of life of adjacent residents
- Development will result in noise, disruption and loss of privacy for neighbours
- Privacy afforded under the United Nations Convention would be undermined by this development
- There is sufficient housing on sale within the village of all price ranges
- Green land (albeit garden) should not be lost to development
- Development will result in a devaluation of property
- Movement of heavy vehicles could cause slippage of the garden area which lies at a higher level to the gardens in Littledown Orchard
- Council must be prepared to enforce any conditions limiting vehicle movement within the site
- Loss of character to the area by removal of the frontage treatment
- Previous reason for refusal should be upheld
- Nearest window of 29 Littledown Orchard is only 2.5-3m from driveway not the stated 10m
- Apparent discrepancies over the ownership of the front boundary
- Loss of environment for wildlife habitat including the previous felling of trees on site
- Tandem housing is of a poor arrangement

- Access is not wide enough for emergency services to gain access
- Development represents overdevelopment
- Development harms the character of the area and policy concerning Area of Outstanding Natural Beauty
- Fence would not help with the problem of noise smells and fumes
- Dwelling will remain on an elevated plane due to the change in ground levels
- If approved the following aspects should be detailed – the height of the house (limited to a bungalow) the fenestration (no windows facing east) and details of drainage.

Support

- No letters have been received

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
06/3039	Erection of bungalow	Refused	02.04.07
06/0214	Erection of one new bungalow	Refused	17.03.06

PLANNING POLICIES

Government Guidance

PPS1 – Delivering Sustainable development
PPS 3 – Housing

Devon Country Structure Plan (2001-2016)

Policy ST1 - Sustainable development
Policy ST5 - Development Strategy
Policy CO3 - Areas of Outstanding Natural Beauty
Policy CO6 - Quality of New Development

East Devon Local Plan (1995-2011)

Policy S4 – Development within built up area boundaries
Policy D1 - Design and Local Distinctiveness
Policy D5 - Trees on Development Sites
Policy EN1 - Development in Areas of Outstanding Natural Beauty
Policy TA6 - Adequacy of Road Network and Site Access

SITE LOCATION AND DESCRIPTION

The application site forms part of the rear garden of High Nooke which is a detached residential dwelling. The site is located to the south west and within the built up area boundary of Newton Poppleford and is also within the designated East Devon Area of Outstanding Natural Beauty.

The site is accessed off Littledown Lane which itself leads onto the Exmouth Road to the east. To the east, the side boundary of the site adjoins the rear boundary of residential properties located in Littledown Orchard. These dwellings are characterised by a mixture of semi-detached chalet bungalows and traditional single storey bungalows. The ground levels drop considerably from the application site to those properties located in Littledown Orchard. The land continues to

rise from east to west. There is a detached garage set back and situated to the east of the host property which is served by a single width access. The existing access to Highnooke features a curved stone wall with additional planting above. There is a retaining wall along the east boundary of the site.

Applications have previously sought both 'two dwellings' and a 'single dwelling' dwelling on land to the rear of the host dwelling known as Highnooke. The applications for the two dwellings and the single dwelling were refused and the latter was tested at appeal. The appeal considered issues concerning the principle of backland development, impact on the character of the settlement, amenity impact on neighbouring properties and the suitability of highway access. Although the appeal was dismissed, it was solely on the impact that the driveway and associated movement of vehicles would have on the amenity of neighbouring properties. The current application has been submitted following a further refusal again in an attempt to overcome this outstanding concern.

PROPOSED DEVELOPMENT

The current application seeks permission for a single detached bungalow on land to the rear of the applicant's own dwelling. Highway access would be taken from the lane to the front of the dwelling and utilise the existing access with a widened visibility splay. Parking for both the existing and proposed dwelling would be set to the side and front of the existing dwelling and the existing garage would be utilised for the proposed dwelling. No vehicular movements to the new dwelling are proposed beyond the garage and it has been offered that this can be enforced by an appropriate condition or legal agreement. To facilitate this arrangement full turning facilities would be provided within the front garden area of the existing property. In addition a boundary fence would be erected where the turning facilities are closely located to the neighbouring property 29 Littledown Orchard.

CONSIDERATIONS AND ASSESSMENT

The last time that the application was brought before the Development Control Committee it was considered that despite significant concerns, remaining issues of principle of development, its impact on the character and appearance of the settlement and Area of Outstanding Natural Beauty, access and visibility had to be accepted as the Planning Inspector's decision on application 06/0214/OUT was a material consideration.

As recognised within the previous application therefore the sole issue for withholding permission rested on the impact on residential amenity from vehicle movements close to neighbouring residential property located along the side of the plot. It was considered that despite limiting the parking and vehicle movements to the front of the plot and retaining the original garage there was still likely to be disruption and harm to amenity from the additional use of the turning area on site.

This application has again been submitted in a further attempt to overcome this objection and the driveway has been widened by 0.5m, the turning provision clarified and the change in grounds levels given substantially more detail. The main issue for consideration therefore rests on whether the use of the existing garage for parking for the proposed dwelling together with the provision of new parking and turning facilities for the existing property is acceptable in amenity and design terms. As with the previous application, issues of land ownership will again be considered following additional information being submitted.

Residential amenity

Turning to the amenity issues, it is important to consider the relative position of both the existing dwelling at High Nooke and the residents at 29 Littledown Orchard in terms of the access drive

and turning facilities. Despite the additional information – lowered ground level and the slightly (0.5m) widened driveway entrance it is considered that there is still likely to be amenity conflict with the host dwelling and the immediate neighbour. Based upon the previous reason for refusal, it is considered that insufficient change in the circumstances of the site and the application for an alternative reason to be reached.

The previous reason for refusal stated:

“The proposed development by reason of the close association and limited space between the vehicle turning facilities and the neighbouring properties would result in significant harm to residential amenity. The amenity would be significantly harmed by factors associated with vehicle movements, including headlight glare, noise and fumes. On this basis the application is considered contrary to good practice contained within PPS1 – The Planning System General Principles (Delivering Sustainable Development) and policies Policy S3 (Development within Built up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995 – 2011”.

It is considered that some benefit would arise from the additional driveway works proposed in particular the addition of the boundary fence. However following further site visits it is considered that the relationship of in particular 29 Littledown Orchard to its rear boundary is so tight that an objection should be maintained. While it is considered that a condition should be sufficiently strong to prevent vehicle movement into the rear plot past the existing garage this does not overcome the impact on amenity to the front of the development site. Notwithstanding the argument proposed by the applicant's agent that the existing household's cars use a driveway in close association with the boundary in question, the introduction of vehicles for a second dwelling and their combined use of a new turning facility is considered to harm residential amenity to the detriment of neighbouring property.

Land Ownership

A number of concerns have been raised with the current application concerning the bank and wall to the immediate east of the site boundary. The applicants have submitted land registry plans which seek to demonstrate that the nib of land over which visibility is sought is either owned by themselves or the Local Highway Authority . There has not been any substantiated challenge to this assertion and therefore it is considered that the visibility can be achieved. In any event land ownership is not material to the determination of planning applications and it is up to the individual parties involved to settle this civil issue.

CONCLUSIONS

Although significant reservations remain about the principle of development, this was found to be acceptable by an Inspector who considered an appeal in 2006 for a single dwelling on the same plot of land. Together with issues concerning the impact on the character of the area, the principle of backland development and highway safety issues, the Inspector found that in this instance they were not sufficiently harmful to withhold planning permission. However the Inspector did consider that the amenity impact caused by vehicle movements would be harmful and refused permission on this basis. Like an earlier application in December 2006 this one has sought to overcome the objection. However it is considered that harm will still arise to neighbour amenity due to the extremely close distances between the neighbouring dwelling and the driveway and turning facilities. In addition it is considered that insufficient change in the application has occurred following the previous refusal to legitimately reach a differing view.

RECOMMENDATION

REFUSE for the following reason(s)

1. The proposed development would result in significant harm to residential amenity by reason of the close association and limited space between the vehicle turning facilities and the neighbouring properties. The amenity would be significantly harmed by factors associated with vehicle movements, including headlight glare, noise and fumes. On this basis the application is considered contrary to good practice contained within PPS1 – The Planning System General Principles (Delivering Sustainable Development) and policies Policy S3 (Development within Built up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995 – 2011

List of Background Papers

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