

Committee Date:
09.03.2010

AXMINSTER TOWN
Axminster

09/2529/FUL

Target Date: (12.02.2010)

Applicant:

Mr and Mrs DJ Richards

Location:

Land west of Broadmayne, Gamberlake, AXMINSTER

Proposal:

Erection of dwelling

CONSULTATIONS

County Highway Authority

This application requires standing advice

TOWN/PARISH COUNCIL

Oppose on the grounds that this is over development and the access is off an awkward corner where highway safety would be an issue.

WARD MEMBER(S)

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

“The proposed dwelling appears to be compatible with adjacent properties in the area.

However, I am not convinced that the proposed access is suitable on the sharp bend.

I would therefore reserve my support for this proposal in order that I can ascertain the views of the highway authority“

Further comments 25 January 2010

"I am still not convinced about this application and would recommend that it is considered by the Management Development Committee"

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 have been received citing concerns of overlooking, loss of light, loss of trees causing flooding in the street, and effect to highway safety from new proposed access.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
04/P2125	Erection of dwelling	Refused	21.09.2004

PLANNING POLICIES

Devon Country Structure Plan (2001-2016)

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 H3 - Range and mix of New Housing Development

Policy RE3 - Open Space Provision in new Housing Development

Policy TA9 - Parking Provision in New Development

SITE LOCATION AND DESCRIPTION

The application site is the side garden of an existing residential dwelling known as Broadmayne with an access off Gamberlake. The plot has been extended from the previous refusal by including the area immediately to the west of the parent dwelling. This has increased the plot not insignificantly from the previously refused application. The area is residential on the southern and eastern side of Gamberlake, with the Axminster Carpet factory located to the immediate north west. Dwellings are two storey at this end of Gamberlake.

There are no specific designations covering this area which is within the southern section of the built-up area boundary of the town.

PROPOSED DEVELOPMENT

This is an outline application with all matters reserved. However an indication of how access to the highway may be achieved has been submitted with the application and an indicative street elevation shows a two storey dwelling located approximately equidistantly between the parent dwelling and a further 2 storey dwelling - 'Lansdowne' - located on a slightly higher contour to the south of the proposed plot.

CONSIDERATIONS AND ASSESSMENT

Background

The previous application was refused for the following reason:

'The development of a plot of this cramped size and shape would be incompatible with its surroundings and unneighbourly in relation to the existing dwelling to the detriment of the character of this predominately residential area and of the amenities of the occupiers of Broadmayne'

Design and Siting

Whilst all matters have been reserved it is considered that a design similar to the neighbouring properties could be achieved although the proposed private garden to the rear is somewhat smaller than properties nearby. There would however be an increased plot size from the previous application due to the area to the north now being included although it is acknowledged that this would not be private once the trees are removed. The indicative plan shows a reasonable level of separation from the parent and immediate neighbouring dwelling to the south.

Amenity

Whilst no plans are submitted that show positions of windows the applicant has suggested that it is intended to design the internal layout of the building so that windows will face away from both the parent dwelling and Lansdowne to the south. The occupants of Isengard - a dwelling immediately adjacent to the parent dwelling have raised concerns about potential overlooking, loss of privacy and sunlight. However the proposal in the indicative form is shown approximately 12m from the boundary of this property and 20m in distance building to building. Therefore, although the gap between Lansdowne and Broadmayne would be closed, it is not thought this is significantly harmful to the occupants of Isengard either through loss of light or being overbearing.

In terms of the amenity between the proposal and Lansdowne, this latter property is sited higher than the site and there is a hedge on the boundary. It is considered that as this neighbour is somewhat higher in elevation than the proposal, then any small effect of closing the gap alongside is likely to be acceptable. Lansdowne has one window at first floor level and a ground floor window facing onto the site. The drawing submitted with the application shows the dwelling approximately 6m from Lansdowne, and taking into account the difference in height it is not thought that the siting would be particularly harmful in terms of loss of light to these windows. The garden to the north for the proposal would be overlooked by the existing west facing windows of Broadmayne, however some privacy at ground level could be retained by the planting of a hedge or similar.

Highways and access arrangements

The applicants have indicated a new access on the western aspect of the plot. Although all matters have been reserved, the proposal as set out has been discussed with the County Highways Authority who originally advised that standing advice should be applied. In considering the likely visibility that could be achieved it is considered that although this is clearly below the latest requirements, the road is largely residential from this point on to the south, the boundary would be cleared of all trees, a 1.8m footpath provided on the frontage, and reversing indicated, and therefore it is considered that on balance the access arrangements are acceptable notwithstanding that they are below the required level.

It is suggested that the access arrangements are conditioned as part of any approval subject to all other aspects being acceptable.

Open Space

As a new dwelling is proposed, open space or a contribution is required under the aegis Policy RE3. The applicants have submitted a satisfactory unilateral undertaking. In the event that this application is approved, it is suggested that the terms of the legal agreement can be linked to the consent.

CONCLUSIONS

The application seeks to establish the principle of a dwelling within the rear and side garden of an existing dwelling. The application is in outline form with all matters reserved.

A two storey dwelling is indicated, with a proposal to remove existing tree planting along the outside of the boundary of the garden. It is considered that the proposal is acceptable in terms of principle and would not cause any significant amenity issues with neighbouring properties. The clearing of the trees, which although providing a boundary to the site are not individually of any merit, would provide a clear view of the site and proposed access from the road. Whilst there is only a small private garden proposed at the rear and this is somewhat smaller than other gardens in the area it is not felt that this would be a significant issue that would prevent development.

Although the potential visibility is acknowledged to be below the required technical standard, in the absence other significant concerns it is considered that on balance the application should be recommended for approval subject to conditions on the access, levels, removal of permitted development rights for extensions and curtilage buildings, a scheme of landscaping and boundary treatments and submission of all matters reserved within 3 years.

RECOMMENDATION

APPROVE subject to the following conditions and incorporation of the terms of the Unilateral Undertaking submitted with the application.

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. Approval of the details of the layout, scale and appearance of the building (s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. Before any development commences details of finished floor levels and finished ground levels in relation to a fixed datum 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 adequate details of levels are available in the interest of the reducing the risk of flooding and the character and appearance of the locality.)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme]. (Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers.)
5. 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.)

Reasons for approval

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon County Structure Plan Policies

CO6 (Quality of New Development)

East Devon Local Plan Policies

S4 - Development within Built-Up Area Boundaries

D1 – Design and Local Distinctiveness

H3 - Range and mix of New Housing Development

RE3 - Open Space Provision in new Housing Development

TA9 - Parking Provision in New Development

2. The proposal does not adversely affect the privacy or amenity of neighbouring properties.

3. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

Informative

This application is approved in combination with the terms of the 106 Unilateral Undertaking submitted with the application.

Plans

TW09/102/1 received on the 18 December 2010

List of Background Papers

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