

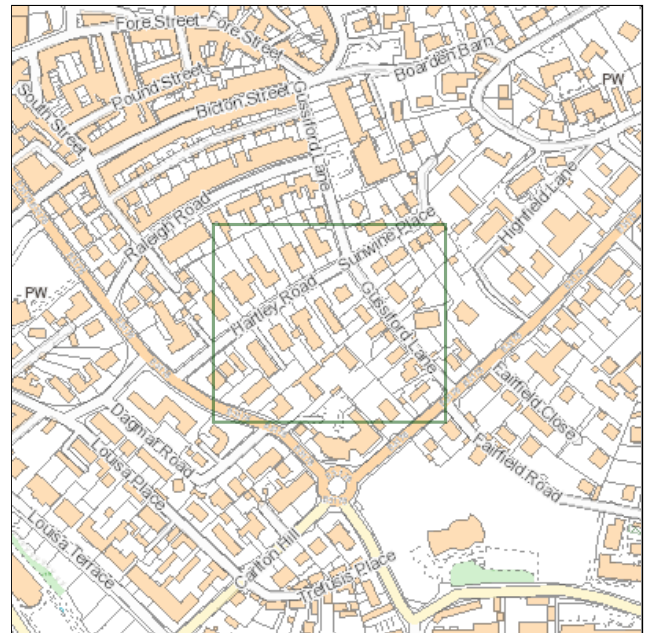
**Ward** Exmouth Littleham

**Reference** 20/2701/FUL

**Applicant** Mr Martin Jackson

**Location** 18 Hartley Road Exmouth EX8 2BQ

**Proposal** Construction of dwelling



**RECOMMENDATION:**

1. That the Habitat Regulations Appropriate Assessment outlined within the Committee Report be adopted; and,
2. That the application be **APPROVED** subject to conditions.



		<b>Committee Date: 9<sup>th</sup> June 2021</b>
<b>Exmouth Littleham (Exmouth)</b>	<b>20/2701/FUL</b>	<b>Target Date: 30.03.2021</b>
<b>Applicant:</b>	<b>Mr Martin Jackson</b>	
<b>Location:</b>	<b>18 Hartley Road Exmouth</b>	
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**EXECUTIVE SUMMARY**

This application is before Members because the view of officers differs to that of a ward councillor.

Planning permission is sought for the construction of a one bedroom dwelling at the end of an existing row of dwellings at 18 Hartley Road, Exmouth.

The site is located within the built up area of Exmouth and the principal of development is considered acceptable.

The proposed dwelling would be located to the rear of the current building where there are limited views of the proposal and the design and materials are set to match the adjacent dwelling. It is therefore considered that the proposal would not be out of character with development within the area.

The proposed dwelling is located within a very confined area but is not considered to result in a loss of privacy, light or have an overbearing impact. The proposed dwelling would provide sufficient amenity for the occupiers. It is therefore considered that there is no loss of residential amenity.

The proposal includes the formation of one additional parking space in the current car park. As it is a single bedroomed dwelling, this is considered to be sufficient.

Whilst the site is constrained, the proposal would be of a form, layout and design that is consistent with the adjacent two units of accommodation and be of type of accommodation (1 bedroom) that is much needed close to the town centre of Exmouth and this makes refusal of planning permission difficult to uphold.

**The proposal is considered to be compliant with Policies D1 and TC9 of the East Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan. The application is therefore recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Technical Consultations**

##### Exmouth Littleham - Cllr Bruce De Saram

1. I do not wish to attend Chair's delegation zoom. However please note I have made my comments for your kind consideration and would be grateful if you could take them into consideration.

2. Thank you for submitting this report for my consideration in line with the Planning process.

I have read the objections raised by the Town Council on 15/02/21 including the various other objectors and having made a site visit myself to the proposed development I find that I am in agreement with the original comments made by the Town Council namely that I do not support this proposal.

In particular I wish to refer to the following NPPF Paragraphs 127 "are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);.....and Para 131 In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings"

I would say that the design is not outstanding or innovative and it is not sympathetic to the surrounding environment.

I would support what the objectors have stated as can be seen in the report that "The proposal would extend into an area of the site which is currently used as recreational space. Objections have been received which have stated that the use of this area for a new dwelling would be overdevelopment of the site" This proposed development would in my opinion not be a positive and sustainable change especially for the occupant of number 7 as they stand to lose much valued garden space and I do not consider a cycle rack for the community would be a suitable exchange as the report suggests.

Therefore having been presented with all the facts as known at the present time and I note that we are in the BUAB "The site is located within the built up area boundary for Exmouth, however, there are no further constraints" I would not be able to support this application and recommend its refusal on the grounds of overdevelopment and lack of innovative design as per the NPPF guidance and Town Council consultee comments.

##### Parish/Town Council

Meeting 15.02.21

Objection; the proposal was considered to be over development and lack appropriate amenity space. The proposal would impact on the immediate neighbours in Gussiford

Lane effecting their residential amenity. The proposal was therefore, considered to be contrary to policy D1 (Design and Local distinctiveness) of the Local Plan.

#### Other Representations

Five letters of objections and one letter of representation:

- o Provision of parking
- o Overdevelopment
- o Intrusive and dominating
- o Out of character with the area
- o Overlooking and loss of privacy
- o Too close to the boundary
- o Loss of light
- o Lack of amenity space for occupants
- o Amenity of neighbouring properties

#### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
05/1365/FUL	Alterations to form 7 flats	Approval with conditions	27.09.2005
05/3038/FUL	Amendments to planning permission 05/1365/FUL for the creation 2 dwellings.	Refusal – Appeal dismissed	06.03.2006
05/3039/FUL	Amendments to planning permission 05/1365/FUL for the creation of five flats.	Refusal	06.03.2006
06/0854/FUL	Amendments to units 1-5 including enlarged dormer windows, retention of porch, internal alteration and design and fenestration changes	Approval - standard time limit	22.08.2006
06/0856/FUL	Amendments to units 6 & 7 comprising part increased ridge and rear extension	Refusal – Appeal dismissed	22.05.2006
07/1414/FUL	Conservatory to unit 7	Refusal	18.07.2007

#### **POLICIES**

##### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

##### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TC9 (Parking Provision in New Development)

### Exmouth Neighbourhood Plan (2018 – 2031)

Policy EN1: Proposals for development within the Built-up Area Boundary (BUAB) will generally be supported (*Cont.*)

Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design (*Cont.*)

### **Site Location and Description**

The site is a former dwelling which has been converted into seven flats. The area is characterised by large detached and semi-detached Victorian dwellings, many of which have been extended and converted into flats. The land level raises from the Rolle Road end of the street towards Gussiford Lane, creating a rising streetscape.

The site is located within the built up area boundary for Exmouth, however, there are no further constraints.

### **Proposed Development**

This application seeks planning permission for the construction of an additional self-contained dwelling. The dwelling would be located to the rear on the end of an existing row of flats. It would be single storey in height and the materials would match the existing.

### **Consideration and Assessment**

The main issues in the determination of the application are:

- The principle of the development
- Character and appearance of the area
- Residential amenity
- Parking and Access

### **Principle of Development**

The site is located within the Built-Up Area Boundary of Exmouth and as such is considered to be in a sustainable location with good access to services and facilities as well as public transport. In accordance with policies within the Local Plan (Strategy 6 - Development within Built-Up Area Boundaries) and Exmouth Neighbourhood Plan (Policy EN1), the principle of new residential in this location is acceptable.

### **Impact on Character and Appearance of the Area**

The proposed new dwelling is located to the rear of the current flats and would be attached to an existing tenement. There are no wider views from public spaces of the proposed dwelling. Therefore it is considered that the dwelling would not be an incongruous addition such that it is out of character with the area.

The proposal would extend into an area of the site which is currently used as recreational space. Objections have been received which have stated that the use of

this area for a new dwelling would be overdevelopment of the site. Previous applications in 2006 and 2007 for extensions and a conservatory to unit 7 were previously refused partially on these grounds. However, these applications were made under the previous Local Plan. Although the proposed dwelling would reduce the outside amenity space, it would leave a small space for the provision of a cycle rack and it would be hard to justify refusal of permission on this ground, particularly given the sustainable location of the site close to open space and the beach at Exmouth. It is considered that the dwelling would not be overdevelopment of the site.

The proposal therefore complies with Policy D1 of the East Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan.

### **Residential Amenity**

A number of amenity issues have been raised during the consultation period of the application.

#### **Privacy**

The proposed dwelling would be single storey with a first floor in the roof space. There are windows and doors on the north east and south west elevation at ground floor level. As these are ground floor they are not considered to result in a loss of privacy.

At first floor level there are rooflights on the north east and south west elevations. The rooflight on the north eastern elevation would be to serve the en-suite bathroom and would therefore be obscure glazed. The rooflights on the south western elevation would be at a high level and views to adjoining amenity areas would not be possible from these windows.

The proposal is therefore not considered to result in a loss of privacy to any neighbouring properties. The proposal is therefore considered to be compliant with Policy D1 of the east Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan.

#### **Loss of light and overbearing**

The proposed dwelling would be a continuation of the existing line of dwellings. The total height and height to eaves of the proposed dwelling would match the existing line of dwellings. The proposed dwelling would not be closer to the boundary than the existing line to the north east. It is therefore considered that there would not be an overbearing impact or a loss of light.

To the neighbours on the south east, the proposal would be approximately 2.5 metres to the boundary with the neighbour. This is considered to be a sufficient distance as to not result in a loss of light or have an overbearing impact.

The proposal is therefore not considered to result in a loss of light or have an overbearing impact. The proposal is therefore considered to be compliant with Policy D1 of the East Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan.

Lack of amenity for occupants.

The proposed dwelling would have space for a kitchen, dining room and living room at ground floor level whilst a bedroom with an en-suite would be provided at first floor level. It is considered that the accommodation provided would be sufficient for independent use of the dwelling.

In terms of outside space, the site is located on the outskirts of Exmouth town centre where there are a number of outdoor recreational areas within walking distance. The proposal is therefore considered to provide sufficient amenity for any future occupiers.

It is however recognised that the proposal would result in the loss of a small area of on-site amenity space. Whilst this is less than ideal, it is considered that it would be difficult to uphold a refusal of planning permission on this ground given the close walking distance to the beach and other amenity facilities in Exmouth.

### **Parking and Access**

Although the site is located close to the town centre of Exmouth, where a variety of facilities and services can be reached without the need of a private car, the plans indicates that the current bin store would be re-arranged and a parking spot made it its place. As the proposal is a single bedroomed dwelling it is considered that this is sufficient and compliant with Policy TC9 of the East Devon Local Plan.

### **Habitats Regulation Assessment and Appropriate Assessment**

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

### **CONCLUSION**

The application is not considered to result in a detrimental impact upon the character of the area or have a negative impact to the amenity of any neighbour. The proposal would be of a form, layout and design that is consistent with the adjacent two units of

accommodation and be of type of accommodation (1 bedroom) that is much needed close to the town centre of Exmouth.

Although the site is small in nature, it is well located and with no harm to surrounding residents and providing a 1-bed unit for which there is a need in Exmouth, the application is considered acceptable and compliant with Policy D1 of the East Devon Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan and is recommended for approval.

## **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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C or D for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.  
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the north-east and south-west elevations of the building.  
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
5. Before the dwelling hereby permitted is occupied the rooflight on the north-east elevation serving the en-suite bathroom shall have been glazed with obscure glass and the obscure glazing of these windows shall thereafter be retained at all times.  
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)



## NOTE FOR APPLICANT

### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

### Plans relating to this application:

	Location Plan	23.12.20
	Proposed Site Plan	03.12.20
996 REV A	Combined Plans	21.04.21

### List of Background Papers

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