

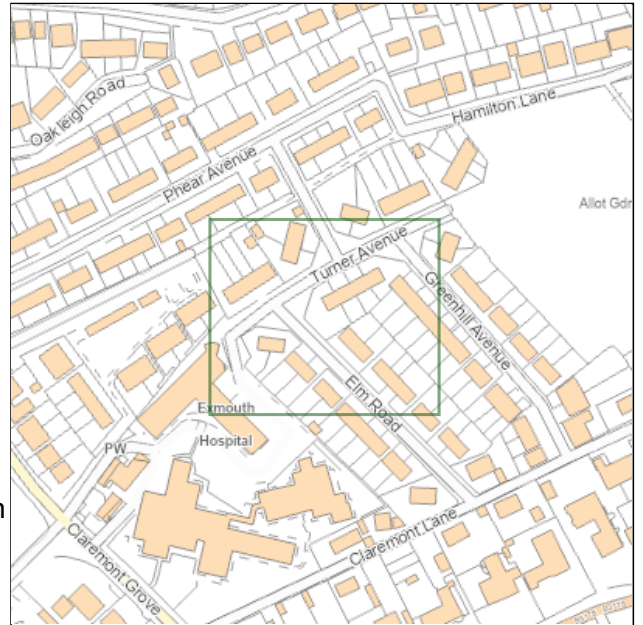
Ward Exmouth Littleham

Reference 23/0078/FUL

Applicant Iain McNeill

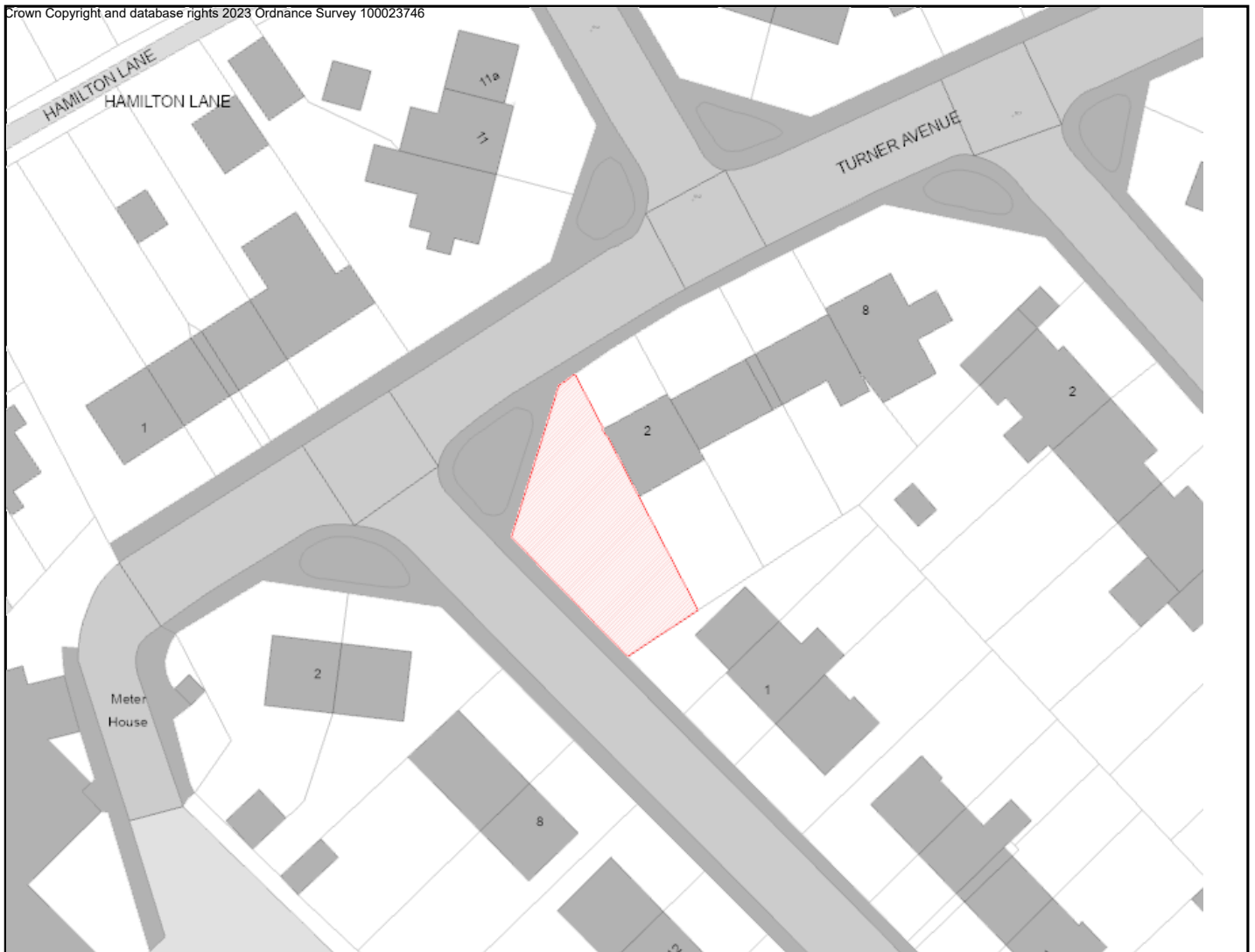
Location 2 Turner Avenue Exmouth Devon EX8 2LF

Proposal Construction of new attached dwelling in garden of existing house



RECOMMENDATION: Approval with conditions

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		Committee Date: 22.08.2023
Exmouth Littleham (Exmouth)	23/0078/FUL	Target Date: 05.04.2023
Applicant:	Iain McNeill	
Location:	2 Turner Avenue Exmouth	
Proposal:	Construction of new attached dwelling in garden of existing house	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members of the Planning Committee because officer recommendation differs to that of the ward members.

Planning permission is sought for the construction of an attached two storey, three bedroom dwelling to the side of 2 Turner Avenue.

Planning permission for an attached dwelling on this site has previously been granted in 2011 and whilst this permission has now lapsed, it is considered that the site can accommodate the proposed dwelling without detracting from the character and appearance of this area of Exmouth and that there are no sustainable planning objections to this development.

In the absence of a five year housing land supply, it is considered that the benefits to be derived from a new dwelling in this sustainable location, outweigh the limited harm that would arise to the residential amenities of the occupiers of no 1A Elm Road and the secondary lounge window that would be affected. In the absence of any harm to the character and appearance of the area and highway safety, it is considered that planning permission should be granted for this development.

The proposal would accord with policies within the East Devon Local Plan and the Exmouth Neighbourhood Plan and the application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr Nick Hookway

I have the following comments about amended application 23/0078/FUL.

1. Comments relating to previous, historic, applications are now irrelevant and do not apply to this current application.
2. At number 1A Elm Road, the side window facing north-west will still be overlooked. Therefore, the resident of 1A Elm Road will be overlooked with subsequent loss of privacy. This issue applies particularly to the two bedroom windows which are at the rear of the proposed development.
3. The fact that the land slopes from Turner Avenue towards Elm Road increases the harm caused by the issues of overlooking with the subsequent loss of privacy.

Therefore, my objection to this application still remains.

Exmouth Littleham - Cllr Nick Hookway

I am objecting to this application due to concerns caused by adjoining properties being overlooked, this will lead to a lack of privacy.

I also have concerns over the proposed design and would question if such a design would blend in within the neighbourhood.

The loss of green space is to be regretted and is a further example of overdevelopment in this area.

Exmouth Littleham - Cllr Chris Wright

As the application currently stands having visited the site I would object to it in its current form for the reasons I shall list below.

The application states there are no near neighbours to the site, however since the previous application, which I note was approved in 2011 there is a property at No. 1A Elm Road which is extremely close to the application site.

The inclusion of a first floor window will result in a loss of privacy having a direct view into ground floor windows to the rear of the application site. I would suggest the removal of the window or obscure glazing.

On viewing the property from Elm Road the development appears higher than adjoining properties, and with the site somewhat smaller than I had envisaged from the plans will I believe result in significant overshadowing and loss of privacy to No. 1 Elm Road.

The overlooking of the adjoining property is I believe a material consideration to be addressed.

The removal of the conifer hedge, a feature of the street scene in the locality should be kept to a minimum.

Due to the limitations on space any planting and screening should not in itself cause any loss of light to adjoining properties.

The application in its current form could be considered an overdevelopment of this particular site.

Should the application be approved, due to the site being within a quiet residential area a condition limiting working hours on site, noise and dust mitigation be included.

Cllr C Wright

Parish/Town Council

Meeting 17.07.23

No objection to the amended plans.

Parish/Town Council

No objection

Due to a software update the planning applications were not available to view by the Planning Committee members at the time of their scheduled meeting. As a result this response represents the opinion of members of Exmouth Town Council Planning Committee agreed via co-ordinated telephone and email consultation process and will be ratified at the next appropriate meeting of the council.

Technical Consultations

None

Other Representations

1 letter of objection has been received at the time of writing this report raising concerns which can be summarised as:

- Overlooking and loss of privacy
- Loss of outlook
- Overshadowing
- Noise and disturbance during construction

PLANNING HISTORY

Reference	Description	Decision	Date
08/0411/FUL	Construction of dwelling	Approval with conditions	24.03.2011

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Exmouth Neighbourhood Plan (Made)

Policy EB2- Design

Government Planning Documents
NPPF (National Planning Policy Framework 2021)
Government Planning Documents
National Planning Practice Guidance

Site Location and Description

No 2 Turner Avenue is a two storey end of terrace dwelling located within a wholly residential area to the east of Exmouth town centre. It is at the south-western end of a terrace of 4 dwellings that front Turner Avenue, between its junctions with Elm Road and Greenhill Avenue. The two properties at the end of the terrace are slightly larger than those in between, with gabled roofs and slightly projecting front and rear buildings lines. The two at the end are rendered, whereas the two in the middle have bricked ground floors and rendered first floors.

Access into No 2 is via a pathway off Turner Avenue, and the property has a high conifer hedge around its junction with Elm Road, set behind a low brick wall.

The site is located within the built-up area boundary of Exmouth and is not the subject of any landscape or townscape designations.

Planning History:

Planning permission was granted in 24.03.2011 (ref 08/0411/FUL) for an extension of no 2 at the side to create a new three bedroom dwelling. This planning permission has expired as the development did not commence within the three year timeframe. Whilst not a planning permission for this site, it is also pertinent to note that planning permission was granted in 16.01.2013 (ref 12/2539/FUL) for an attached dwelling at no 1 Elm Road which borders the application site's south eastern boundary. At the time this planning permission was granted, the planning permission for an attached dwelling to no 2 Turner Avenue remained extant and capable of implementation.

Proposed Development:

Planning permission is sought for the construction of an attached two storey, three bedroom dwelling to the side of 2 Turner Avenue. The extension would run sideways towards Elm Road, with its front and rear building lines set in from those of the gabled front and rear walls of the existing dwelling. The ridge height of the dwelling would be the same as that of the middle two and would present a gabled end to Elm Road.

The new dwelling would have a brick ground floor, with render above, matching the middle pair of the terrace. It would be provided with two car parking spaces at the south-eastern end of the plot, accessed off Elm Road. The applicant has stated that he intends to remove the existing conifer boundary hedge surrounding the property and replace it with a new native hedgerow.

Issues and Assessment:

The main issues to consider in determining this application are in terms of:

- The principle of development
- The impact on the character and appearance of the area
- The impact on residential amenity
- Parking and Highway Safety
- Habitat Mitigation

ANALYSIS

Principle:

The site is located within the built-up area boundary in a sustainable location where the principle of development is considered to be acceptable in location terms under the provisions of Strategy 6- Development within Built-Up Area Boundaries of the East Devon Local Plan. At the time of writing this report, it is also acknowledged that the Council cannot demonstrate having a 5 year housing land supply. The site is considered to be in a sustainable location with good access to services and facilities by a variety of modes of transport.

Character and Appearance:

Policy D1- Design and Local Distinctiveness of the Local Plan requires that proposals:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context

Policy EB2 of the Exmouth Neighbourhood Plan requires that new development should be mindful of surrounding building styles and ensure a high level of design.

The Council has previously accepted an attached dwelling on this site through grant of the 08/0411/FUL permission. Officers consider that the land at the side of No 2 Turner Avenue remains capable of accommodating a new dwelling in the form of an extension to the existing dwelling. The size, style and overall design of the proposed extension would be in keeping with the existing terrace and whilst the basic symmetry of the existing terrace of 4 units would be lost, it is felt that this would not undermine the prevailing character and appearance of this particular area to any major degree or result in any significant visual harm.

The brick and rendered form of the extension would be appropriate in this location and whilst the removal of the conifer hedge would expose the site to views around the junction, the extension would not look uncomfortable in those views.

Subject to a condition that requires the submission of materials for the external surfaces of the dwelling and the submission of a detailed landscaping plan, it is considered that the proposal complies with the provisions of policies D1 of the Local Plan and EB2 of the Exmouth Neighbourhood Plan.

Residential Amenity:

Since the grant of the 08/0411/FUL permission, there has been a change in circumstances where an attached dwelling (no 1A Elm Road) has been constructed to the side of no 1 Elm Road which abuts the south eastern corner of the site. This planning permission was not in place at the time the planning permission was granted for an attached dwelling to no 2 Turner Avenue. However at the time the permission for 1A Elm Road was granted, it should be noted that the 08/0411/FUL permission was extant and capable of implementation. As such the relationship between the approved dwelling at 2 Turner Avenue and no 1A was considered to be acceptable. It is noted that the current occupiers of no 1A were not the owners at the time the permission was granted.

Concerns have been raised by the occupiers of no 1A Elm Road in respect of the impact the proposed dwelling would have on the residential amenities of the occupiers of this property which has a secondary ground floor lounge window facing towards the application site. In particular the concerns relate to overlooking and loss of privacy from first floor bedroom and to a lesser extent ground floor windows on the south eastern elevation (rear) of the proposed dwelling. Whilst these concerns are noted and it is accepted that the first floor windows would face towards the ground floor window of no 1A Elm Road and would therefore result in a degree of harm in terms of overlooking and loss of privacy, this was a relationship that was considered to be acceptable when the attached dwelling at no 1A was originally granted planning permission and therefore it would be difficult to sustain an objection on these grounds despite the unneighbourly relationship between the two. It is also noted that there is already a close relationship between properties in this area where first floor windows from properties on Turner Avenue face towards the rear garden of no 1A.

Whilst the impact on the occupiers of no 1A is acknowledged, the window that would be affected is a narrow secondary lounge window and therefore the weight to be attributed to privacy is lessened over that of a primary window. This coupled with the

fact that the window is positioned behind a boundary fence, where outlook is limited, on balance isn't considered that the proposal would give rise to significant harm to amenity to sustain an objection. Furthermore, it should be noted that the applicant could at any time choose to erect a fence or a wall on the rear boundary up-to 2.0 metres in height without planning permission which as a result of the difference in levels between the site and no 1A would be positioned in front of the secondary lounge window and prevent any sense of outlook from it.

On balance, whilst the concerns of the occupiers of no 1A are noted, it isn't considered that an objection could reasonably be sustained to the impact of the development on outlook, loss of privacy or loss of light to a secondary lounge window. It is however considered necessary and reasonable to remove permitted development rights for extensions and outbuildings which if uncontrolled could have an adverse impact owing to the limited size of the plot.

Highway Safety and Parking:

Policy TC7 - Adequacy of Road Network and Site Access of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 - Parking Provision in New Development of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The proposal would create two off-road car parking spaces with a vehicular access onto Elm Road, a residential road with low vehicle speeds in an arrangement similar to that of other properties in the area.

The proposals would not result in any significant increase in traffic generation onto Elm Road that would give rise to any significant highway safety concerns. The proposal would comply with the provisions of policies TC7 and TC9 of the Local Plan.

Habitat Regulations Assessment:

The site is located in close proximity to the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist

accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47- Nature Conservation and Geology of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.62 per dwelling which has been secured as part of this application.

CONCLUSIONS:

Planning permission for an attached dwelling on this site has previously been accepted and whilst this permission has now lapsed, it is considered that the site can accommodate the proposed dwelling without detracting from the character and appearance of this area of Exmouth and that there are no sustainable planning objections to this development. In the absence of a five year housing land supply, it is considered that the benefits to be derived from a new dwelling in this sustainable location, outweigh the limited harm that would arise to the residential amenities of the occupiers of no 1A Elm Road and the secondary lounge window that would be affected. In the absence of any harm to the character and appearance of the area and highway safety, it is considered that planning permission should be granted for this development.

RECOMMENDATION

APPROVAL with 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. No development above foundation level 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 considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. There shall be no obstruction to visibility greater than 600mm above adjoining road level, forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage to Elm Road. Such visibility shall

be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.

(Reason – To provide adequate visibility from and of emerging vehicles in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

5. No development above foundation level 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 any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping 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 - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

6. In accordance with the details shown on drawing no 103 REV B, the two car parking spaces shall be provided prior to first occupation of the dwelling hereby approved and retained in perpetuity for that use. The access and parking space shall be hardened, surfaced (not loose stone or gravel), drained and maintained thereafter to the satisfaction of the Local Planning Authority.

(Reason – To prevent surface water, mud and other debris being carried onto the public highway and to ensure adequate car parking is made for the development in accordance with policies TC7- Adequacy of Road Network and Site Access and TC9- Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031).

7. 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, and E 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 with 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 New East Devon Local Plan 2013-2031.)

Statement on Human Rights and Equalities Issues:

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Plans relating to this application:

103 Rev B	Proposed Site Plan	04.07.23
108 Rev A: Site/Roof Plan	Proposed Combined Plans	04.07.23
106 Rev A	Proposed Floor Plans	04.07.23
105 Rev B	Proposed Elevation	04.07.23
101	Location Plan	08.02.23
100	Location Plan	16.01.23

List of Background Papers

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