

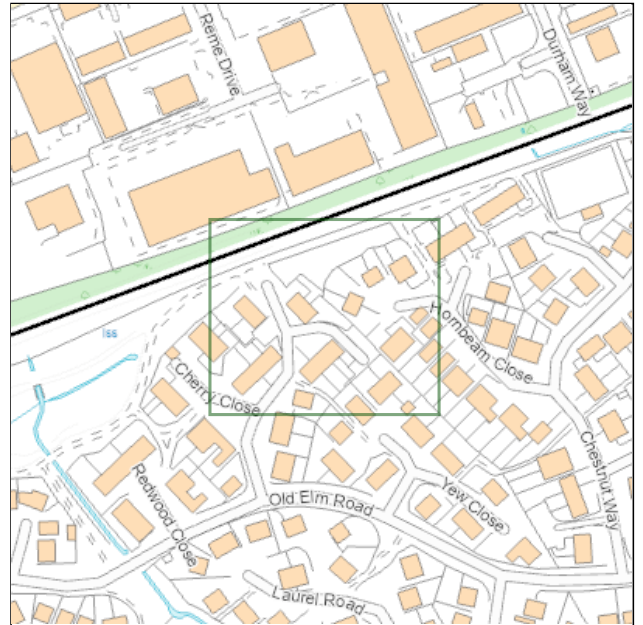
**Ward** Honiton St Michaels

**Reference** 23/1115/FUL

**Applicant** Antony Paul

**Location** 24 Cherry Close Honiton Devon EX14 2XT

**Proposal** Construction of a new dwelling.



**RECOMMENDATION: Refusal**



		<b>Committee Date: 22.08.2023</b>
<b>Honiton St Michaels (Honiton)</b>	<b>23/1115/FUL</b>	<b>Target Date: 18.07.2023</b>
<b>Applicant:</b>	<b>Antony Paul</b>	
<b>Location:</b>	<b>24 Cherry Close Honiton EX14 2XT</b>	
<b>Proposal:</b>	<b>Construction of a new dwelling.</b>	

**RECOMMENDATION: REFUSE**

### **EXECUTIVE SUMMARY**

**This application is before Committee as the officer recommendation is contrary to the view of a Ward Member.**

**The application relates to a proposed detached, two-storey dwelling on an area of the garden of 24 Cherry Close, which is located near the end of a cul-de-sac in a housing estate in Honiton.**

**The erection of a dwelling at this site is acceptable in principle as it is within the Built-Up Area Boundary of the town. The dwelling would, however, be a narrow, detached two storey building, extending across the full width of the narrowest end of its plot such that it would appear cramped within it. The scale and form of the dwelling would be at odds with the surrounding pattern of development, given that this is characterised by semi-detached and terraced dwellings and occasional bungalows (with larger footprints), which have garden areas to the front and rear. Honiton Town Council raise an objection that the proposal is overdevelopment with a harmful impact on the character of the area.**

**Due to the proximity, scale and orientation of the proposed dwelling relative to a neighbouring dwelling at 25 Hornbeam Close, the proposed dwelling would result in harm to the amenity of that neighbouring dwelling, due to being overbearing and having a harmful impact on the daylight reaching its rear garden and conservatory.**

**There is limited on street parking available in the area near the site and in accordance with guidance in Policy TC9 of the Local Plan the new two bedroomed dwelling should be provided with two off street parking spaces. Only one space is to be provided for it, however, and through the development parking at the host dwelling, 24 Cherry Close (which also has 2 bedrooms), would be reduced to one space, such that both dwellings would have inadequate parking space.**

**A tree is present within the site and in the absence of a tree survey indicating otherwise, the development would entail the removal or a risk to this tree and a consequent loss of high quality trees in the area.**

**The proposal therefore conflicts with Strategies 6 and Policies D1, D3 and TC9 of the East Devon Local Plan and as such the application is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Members OBJECT to the proposed development for the following reasons:

- o The proposal would result in overdevelopment of the site.
- o The proposal would result in the loss of green open space on the estate.
- o The proposal would adversely impact on the character of the area and the street scene.

For 2, Against 2, Abstentions 0.

As the vote was tied, the Chair had the casting vote and voted to object to the application

#### Honiton St Michaels - Cllr Violet Bonetta

I support this application. The proposed design fits well into the local street scene and takes into account the privacy of surrounding properties. The dwelling will provide much needed housing to the local area.

### **Technical Consultations**

None have been received.

#### Other Representations

One representation has been received from a neighbour raising the following concerns:

- Harmful impact on light reaching the neighbouring property
- Overlooking

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
78/C1395	Residential Development	Approve with conditions	27/3/1979
82/P0323	Residential Development phase Iii	Approval with conditions	2/3/1983
84/P1854	20 Bungalows. 38 Houses. 43 Garages. (Phase 3)	Approval with conditions	9/4/1985

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies (LP)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 23 (Development at Honiton)

Strategy 28 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

RC1 (Retention of Land for sport and Recreation)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

#### Neighbourhood Plan

None available for Honiton

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

#### **Site Location and Description**

The site lies within a housing estate within the Built up Area Boundary of Honiton, Approximately 1.7 km to the southwest of the town centre. The rear garden to 24 Cherry Close extends to the rear and side of that property (i.e. to its northeast and southeast) and the application site is the part of the garden which lies to the southeast. The site is on level ground and is approximately triangular in shape, with its southwestern side curving inwards into the site where it bounds Cherry Close. The site is currently grassed with a mature tree on its northeastern side, close to the boundary of the plot.

The wider context of the site includes residential properties in moderately dense layout around a network of unclassified cul-de-sac roads. Most of the dwellings are 2-storey, many of the dwellings are attached, some are terraced and there are occasional detached dwellings which are bungalows. The dwellings each have front and rear gardens.

Neighbouring dwellings immediately adjacent to the site include the applicant's dwelling to the northwest (24 Cherry Tree close), which is located at the southeastern end of a small terrace, and 25 Hornbeam Close to the northeast, which is one of a pair of semi-detached dwellings. A timber fence divides the plot of 25 Hornbeam Close from the site. Additional neighbouring dwellings lie on far side of roads or gardens, the closest being 25 Cherry Close to the south of the site and on the opposite side of Cherry Close. There is a communal parking area to the immediate southeast of the site.

A designated open space lies to the north of the site. This is slightly separated from it by the rear gardens of surrounding dwellings. There is a mature tree within the site close to the boundary with 25 Hornbeam Close.

### Proposal

The proposal is the construction of a small, 2-storey, detached dwelling, which would be set towards the southeastern end of its plot with a small garden area on its northwestern side. It would be aligned parallel to Cherry Close and in the same alignment as 25 Cherry Close on the opposite side of the road to the south, and its front door would face southeast. It would have 2 bedrooms and one off-road parking space, through reducing the amount of off road parking spaces available to the existing dwelling at 24 Cherry Close by 1. The new dwelling would have external space for bin storage and cycle parking. The external walls of the dwelling would be brick, it would have upvc glazing and doors and the roof would be tiled.

### **ANALYSIS**

The main issues for consideration include the principle of the development, its visual impact and impacts on amenity, trees, highway safety and parking.

The development plan is the starting point for decision-making although it is acknowledged that due to the current lack of a five year housing supply in the district, the presumption in favour of sustainable development will apply in this assessment, in accordance with paragraph 11 d of the NPPF.

### Principle

Strategy 23 encourages the building of new homes within the Built Up Area Boundary of Honiton. The erection of a dwelling at this site is also acceptable in principle in accordance with LP Strategy 6 (Development within Built-up Area Boundaries).

### Visual Impact

The design and materials of the building are generally in keeping with the appearance of surrounding buildings, however the building would be a narrow detached building, unlike any of the surrounding buildings, thus its scale would be at odds with the character and appearance of the buildings in the surrounding area. The building would extend close to the southeastern boundary of its plot and very close to its northeastern and southwestern plot boundaries such that it would appear cramped within its plot, whereas surrounding properties tend to be flanked by gardens to the front and rear. As a result of the above characteristics the building would appear at odds with the pattern of surrounding pattern of development. The proposal would therefore conflict with the requirements of LP Strategy 6 (Development within Built Up Area Boundaries) and Policy D1 (Design and Local Distinctiveness).

### Amenity

The proposed dwelling would not be directly faced by the windows of nearby neighbouring dwellings therefore it would not affect the outlook of neighbouring dwellings. The outlook of the proposed dwelling is similarly considered to be acceptable. Given that it would have a small garden and that there is designated open

space nearby in the surrounding area, it is considered that the proposed dwelling would have adequate access to open space. The proposed dwelling would not, however, comply with the nationally described space standard in terms of its gross internal area, the area and width of its single bedroom and the area of its double bedroom. For example the minimum gross internal floor area as recommended in the Nationally Described Space Standards is 70 sq m for a 2 bed 3 person house; this proposal is for a 2 bed dwelling with an internal floor area of 51sqm. Whilst the standard is guidance only, having not been adopted into any policy in the East Devon Local Plan, comparison with the standard provides an indication that the proposed dwelling is likely to provide a poor level of amenity for future occupiers in relation to internal space.

The northeastern façade of the proposed dwelling would be located alongside and parallel to the boundary with 25 Hornbeam Close and very close to it, being only approximately 0.3m away from it and the boundary between the properties is not parallel with the southwestern side façade of 25 Hornbeam close, but is slightly angled in towards the rear garden of that property. The proposed dwelling would also extend slightly to the northwest of the nearest part of the dwelling at 25 Hornbeam close, and taking into account all the above it is considered that the dwelling would have an overbearing impact on that property. The proposed dwelling would also impact on the direct sunlight reaching the conservatory, rear garden and patio of no 25, given that it would lie south-southwest of it.

It is not considered that the proposed dwelling would overlook the rear garden of the host dwelling (24 Cherry Close) or 25 Hornbeam Close as the first floor window facing towards the rear gardens of those properties would be obscure glazed. The angle between the first floor windows of 25 Cherry Close (located to the south of the site) and a first floor bedroom window of the proposed dwelling is oblique, therefore no harmful overlooking is considered likely to arise between those windows. Whilst the first floor bedroom window on the southeast façade of the proposed dwelling could view the front garden of 23 Hornbeam Close this garden is already visible from Hornbeam Close. The potential view from this window towards the rear garden of 25 Cherry Close is likely to cause only minimal additional overlooking, as that garden is already overlooked from the rear windows of the attached neighbouring dwelling, 26 Cherry Close.

To summarise, the amenity of the proposed dwelling is likely to be poor as it would not provide adequate internal space for occupiers. Whilst the dwelling would be unlikely to cause harmful overlooking it would have an overbearing impact on 25 Hornbeam close and in the absence of information indicating otherwise (such as a daylight/sunlight assessment) it is also considered that it would reduce the sunlight reaching the conservatory and garden area of that property to a harmful degree.

### Trees

The development is likely to entail the removal of a tree which is present within the plot near its northeastern boundary, or to present a risk of harm to it. No tree survey has been supplied to indicate the quality of the tree or to justify its removal. In the absence of this information the proposal is considered to conflict with LP Policy D3 (Trees and Development Sites) which requires that there be no loss in the quality of trees as a result of development

### Travel and Highway Safety

The proposed dwelling is located within convenient reach of public transport services and the other services and facilities which a resident is likely to require access to. The proposal is therefore considered to be in a sustainable location which supports the use of transport modes other than a private motor vehicle. No details are provided to indicate that the proposed cycle storage would be under cover, through a condition could be imposed to require details of an appropriate bicycle store. It is not considered that the proposed single dwelling would significantly add to traffic using the local highway network. A new access is proposed to serve the dwelling, leading on to Cherry Close. Whilst there would not be space for a vehicle to turn within the site, no objection has been received from the Local Highway Authority in relation to the access arrangement and given the likely low speed of vehicles travelling on the highway adjacent to the site it is not considered that any risk to highway safety would arise. Overall it is considered that the proposal would meet the requirements of LP Policy TC2 (Accessibility of New Development) and TC7 (Adequacy of Road Network and Site Access).

### Parking

In accordance with the guidance contained in LP Policy TC9 (Parking Provision in New Development) 2 parking spaces should be provided for a 2 bedroom home, however only 1 parking space would be provided for the proposed 2 bedroomed dwelling. In addition, the proposal would remove one of the existing parking spaces of 24 Cherry Close. Given that the unclassified roads in the vicinity of the site are not wide, such that on street parking is limited within the area, it is considered that there is a need for off road parking to be provided in accordance with the guidance in LP Policy TC9 in this case. Therefore it is considered that the proposal does not accord with Policy TC9.

### Other issues

The Parish Council consider that the proposed dwelling would affect green open space however it would not affect the designated open space to the north of the application site which is separated from it by neighbouring gardens. Although the proposal involves development in an undeveloped garden, this area is currently bounded on 3 sides by a tall timber fence, so its contribution to green open space within the surrounding area is considered to be negligible.

### CONCLUSION

Whilst a new dwelling would represent a minor contribution to housing supply, as indicated by the Ward Member, the proposed dwelling would be detrimental to the surrounding area due to its form and siting, its lack of adequate parking and it would also have a harmful impact on the amenity of a neighbouring property in relation to being overbearing and impacting on the daylight reaching that property. In the absence of information indicating otherwise it would also have a potentially harmful impact on an existing tree. The dwelling due to its small size would also fail to offer adequate amenity for future occupiers. Whilst the development plan is the starting point for decision-making, due to the current lack of a five year housing supply in the district, the presumption in favour of sustainable development applies in the consideration of this proposal (in accordance with paragraph 11 d of the NPPF). For

the reasons described above, the proposal is not considered to represent sustainable development.

### **RECOMMENDATION**

**REFUSE** for the following reasons

1. The proposed detached narrow dwelling would take up much of the width of the narrower end of its plot and would be sited in an area of mostly attached dwellings and larger bungalows, which have gardens to the front and rear. As a result and having regard to its unusually narrow design, its appearance would be out of keeping with the character of the surrounding area and it would have a harmful impact on the street scene, in conflict with the requirements of Strategy 6 (Development within Built-Up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
2. The proposed dwelling is sited close to, and south-southwest of the neighbouring dwelling at 25 Hornbeam Close, and due to this siting, together with the scale of the dwelling, it would have an overbearing impact on 25 Hornbeam Close. In addition, in the absence of information demonstrating otherwise, it would have a harmful impact on the daylight reaching 25 Hornbeam Close. Due to these adverse impacts on amenity the proposal would conflict with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
3. The proposed 2 bedroom dwelling would be sited in an area with limited on street parking available and would only have one off street parking space. The proposed development would also remove a parking space from 24 Cherry Close (which also has two bedrooms) leaving only one remaining off street parking space for that dwelling. The proposal therefore provides inadequate parking space in relation to both 24 Cherry Close and the proposed dwelling such that it conflicts with the guidance set out in Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan.
4. In the absence of a tree survey the development would compromise the health of a tree or require its removal, resulting in the net loss in the quality of trees within the area, contrary to the requirements of Policy D3 (Trees and Development Sites) of the East Devon Local Plan).
5. The proposed development would fail to provide satisfactory living conditions for the future occupiers with regards to internal living space and as such would fail to comply with Policy D1 of the East Devon Local Plan and Paragraph 130(f) of the NPPF (2021) which requires that developments provide a high standard of amenity for its future users

### **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 seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

3789/01	Proposed Elevation	23.05.23
3789/02	Proposed Combined Plans	23.05.23
3789/03	Proposed Site Plan	23.05.23
amended	Location Plan	28.07.23

List of Background Papers

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

**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.