

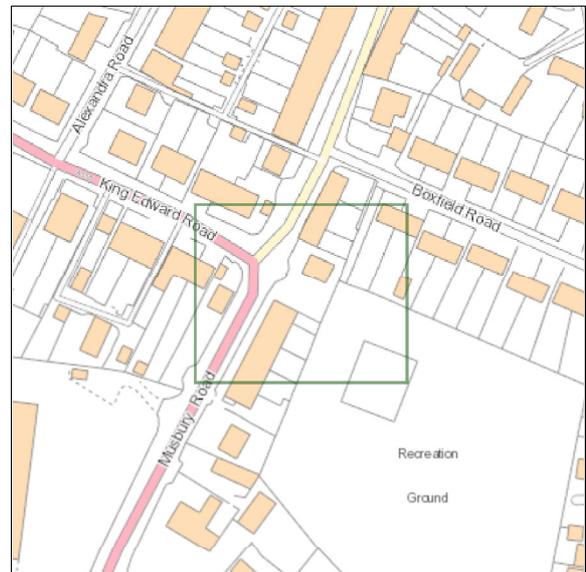
**Ward** Axminster

**Reference** 18/2538/FUL

**Applicant** Lisa Keech

**Location** 1 Rougemont Terrace Musbury Road  
Axminster EX13 5JP

**Proposal** Construction of a dwelling.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 6<sup>th</sup> August 2019</b>
<b>Axminster (Axminster)</b>	<b>18/2538/FUL</b>	<b>Target Date:</b>
<b>Applicant:</b>	<b>Lisa Keech</b>	
<b>Location:</b>	<b>1 Rougemont Terrace Musbury Road</b>	
<b>Proposal:</b>	<b>Construction of a dwelling.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application was deferred by Members at the last Development Management Committee so that the Highway Authority could be invited to the August meeting to explain their lack of highway safety objection to the application.**

**This application was originally before the Development Management Committee as the officer recommendation differs from the view of a Ward Member.**

**The application relates to the erection of a dwelling on land north of 1 Rougemont Terrace in Axminster, which forms the end of a terrace of properties. The site is level and is accessed off the A358 through an existing entrance, which also serves as the access to the neighbouring property of Westway. As well as the neighbouring property, there are also properties on the opposite side of the aforementioned road. To the east, the site adjoins a playing field.**

**The site lies within the built-up area of Axminster, but is not within any conservation area or other land designation. There are no listed buildings within the vicinity of the site.**

**It is considered that the proposal meets the requirements of Strategy 6 (Development within Built-up Area Boundaries) of the East Devon Local Plan 2013 - 2031 (EDLP) and, therefore, is acceptable in principle.**

**The proposed dwelling would be a detached property, would have a brickwork finish and a pitched slate roof. The dwelling would have a similar scale and appearance to those within Rougemont Terrace and as such would be of an acceptable design.**

**The position of the proposed property, and the windows and doors on it, is such that it is considered there would not be a detrimental impact on the amenity of the occupiers of neighbouring properties.**

It is proposed to utilise an existing vehicular entrance onto the highway, and one parking space would be allocated to the proposed dwelling and 1 parking space to number 1 to help replace the loss of existing spaces. Whilst the parking numbers are below the number required by Policy TC9 (Parking Provision in New Development) of the Local Plan, it is considered that the site is sufficiently close to the town centre and public transport, as well as other potential parking locations, for the provision of one parking place per dwelling to be sufficient and make it difficult to uphold a refusal of permission. It is also noteworthy that the County Highway Authority (CHA) has not objected to the proposal.

The proposed dwelling would have a relatively modest curtilage. Therefore, it is considered reasonable to withdraw permitted development rights relating to extensions, porches and outbuildings. This would enable the Council to retain control over such developments to ensure that the site is not overdeveloped. It is also considered reasonable to condition the submission of details of the side and rear boundary treatment.

Given the above, it is considered that the proposal is acceptable. Therefore, it is recommended that this application is approved.

## **CONSULTATIONS**

### **LOCAL CONSULTATIONS**

#### **Parish/Town Council – 05/12/18**

AXMINSTER TOWN COUNCIL OBJECTS TO THIS APPLICATION ON THE GROUNDS OF THE REDUCTION OF OFF-STREET PARKING PROVISION WHICH WILL BE CAUSED. IT WAS NOTED THAT THE PRESENT OCCUPANTS OF 1 ROUGEMONT TERRACE USE ALL FOUR OF THE EXISTING PARKING SPACES ' PRESUMABLY THREE OF THOSE VEHICLES WILL BE DISPLACED ONTO THE STREET IN AN AREA WHERE THERE IS ALREADY PRESSURE ON PARKING FOR RESIDENTS AS A RESULT OF THE PROXIMITY TO THE RAILWAY STATION. ALSO,THE LACK OF SPACE FOR CARS TO MANOUEVRE ON THE NARROW SHARED ACCESS TO THE SITE IS LIKELY TO REQUIRE THEM TO REVERSE EITHER ONTO OR OFF THE SITE AT A DANGEROUS BEND ON A BUSY ROAD. AS THE PROPOSED NEW DWELLING IS TWO-STOREYS IN HEIGHT THIS WILL RESULT IN A LOSS OF AMENITY FOR THE RESIDENTS OF WESTWAY WHICH IS A BUNGALOW

Further comments – 29/01/19

THE FRACTIONAL SETTING BACK OF THE FRONTAGE OF THE PROPOSED DWELLING FROM THE FRONTAGE LINE OF ROUGEMONT TERRACE ITSELF DOES NOTHING TO ADDRESS THE OBJECTIONS TO THIS APPLICATION WHICH THE TOWN COUNCIL SET OUT IN ITS ORIGINAL RESPONSE SO THESE OBJECTIONS STILL STAND.

Further comments – 03/05/19

Axminster Town Council notes that the latest amended plans give more detail and now show windows overlooking the adjacent property of Westway. Axminster Town Council opposes this application on grounds of overlooking unless the windows facing Westway are required to be of obscured glass. While the Town Council is aware that the matter of access is a civil matter, Axminster Town Council opposes this development unless and until a definite right of access for a third party is legally agreed to the parking space shown on the plans.

Axminster – Cllr I Hall

This application needs to be determined at DMC - I rarely use the word chaos, but it already is already chaos in the area in question and we will not be thanked for compounding the situation even more.

This in my opinion must be refused.

Axminster – Cllr A Moulding – 30/11/18

I object to this application as the site is far too cramped and compromises the access with the adjacent property Westways

I recommend that the application is refused

Further comments – 25/01/19

I cannot see any difference in the revised Site Plan.

I therefore maintain my previous recommendation that this application is refused

Further comments – 11/04/19

I maintain my original objections regarding difficulties with access relative to the neighbouring property, Westway.

I therefore recommend that the application is refused

Further comments 18/06/19:

I am still strongly of the opinion that this application, if approved would create chaos with regard to parking and access.

I therefore maintain my previous recommendation that the application should be refused - and that the application should therefore be determined at development management committee.

Axminster – Cllr S Jackson – 24.06.2019

I object to this application and believe it should be brought before DMC. There are a number of reasons why i do not support the plans, some of which could be remedied by implementing certain conditions, however others cannot.

The current layout sees the adjacent property Westways overlooked. If this application proceeds then conditions should be put in place to protect the privacy of the occupants of Westways.

Aesthetically, whilst efforts have been made to mimic the style of the surrounding properties, If this detached property is built using modern materials it could end up looking quite peculiar given its proximity to the neighboring victorian terrace.

I also have concerns about boundary creep. Any creep would eat into the space occupied by the access road or the parking spaces behind. Both are already limited and space cannot afford to be lost here. I strongly believe that if this application is approved, close attention should be paid to ensure boundary creep does not take place.

My primary concern however is with public and road safety. The development is situated on a nasty junction. Whilst Highways are satisfied with this application, I am not. I drive this route daily and am well aware of how problematic this stretch of road is. The plans would make turning a vehicle around at the rear of the properties next to impossible, therefore occupants and/or their visitors would be required to reverse either on or off the access road straight onto a busy junction, on a corner, where visibility is limited by parked vehicles. in addition the present layout sees parking for 3-4 cars. The plans allow parking for just 2 vehicles. Displaced cars plus cars belonging to the new residents will add additional burden to an area where there is already insufficient residential parking

## TECHNICAL CONSULTATIONS

### County Highway Authority – 08/01/19

The CHA has visited the site and also read the Planning Statement and examined the plans.

The CHA does not have any objection to the application and does not wish to recommend any planning conditions.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Further comments – 06/02/19

The CHA has received the amended plans for this application and has determined that it does not affect our stance upon this application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Further comments – 30/04/19

Observations:

The site is located on the A358.

The access proposed will be shared with Westway, of which there is an agreement in place.

Visibility is adequate and one off-carriageway parking space is dedicated to the new development.

Vehicles will be able to turn in the layout provided and re-enter the carriageway in a forward gear motion.

Therefore the County Highway Authority has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

#### Other Representations

Three letters of objection, from the same author, have been received. These concerns raised in this relate to:

- The overbearing nature of the dwelling and a loss of light.
- Car parking and highway safety.
- A wall is needed on the boundary.
- The owner of the property would not have a legal right of access to the parking area.
- Side windows would result in a loss of privacy.

#### **PLANNING HISTORY**

None.

#### **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 20 (Development at Axminster)

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

##### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

## **Site Location and Description**

This application relates to land north of 1 Rougemont Terrace in Axminster, which forms the end of a terrace of properties. The site is level and is accessed off the A358 through an existing entrance, which also serves as the access to the neighbouring property of Westway. As well as that neighbouring property, there are also properties on the opposite side of the aforementioned road. To the east/rear, the site adjoins a playing field.

The site lies within the built-up area of Axminster, but is not within any conservation area or other land designation. There are no listed buildings within the vicinity of the site.

## **Proposed development.**

Planning permission is sought for the erection of a two-storey dwelling. This would be detached from the terrace, copy the design and form of the adjoining terrace, and would have one parking space to the rear for the proposed dwelling with a space next to that for number 1 Rougemont Terrace.

## **ANALYSIS**

The key considerations in the determination of this application relate to the principle of development, design of the proposed dwelling, impact upon residential amenity and highway safety and parking.

### **The principle of the development.**

The site is located within the built-up area of Axminster. Therefore, the primary policy to consider the principle of the proposal is Strategy 6 (Development within Built-up Area Boundaries) of the East Devon Local Plan 2013 - 2031 (EDLP). This states that within built-up areas development will be permitted subject to it meeting the following criteria:

1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.
3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.
4. It would not involve the loss of land of local amenity importance or of recreational value;
5. It would not impair highway safety or traffic flows.
6. It would not prejudice the development potential of an adjacent site.

With regard those criteria, the design of the proposal and impact upon highway safety are assessed below.

However, the site is not in a flood zone, and would not put undue pressure of other services. It is also considered that the proposal would not be detrimental to wildlife or

any listed buildings or conservation areas. The proposal would not result in the loss of and land of local amenity importance and would not prejudice any other development.

Consequently, the proposal is considered acceptable in principle but in order to be acceptable and comply with Strategy 6, the proposal needs to be of a suitable design with no harm to highway safety.

#### The design of the proposed dwelling.

The proposed dwelling would be a detached property, would have a brickwork finish and a pitched slate roof. The dwelling would have a similar scale and appearance to those within Rougemont Terrace, albeit in detached form. A new end of terrace property not being possible due to the two buttresses at the side of number 1.

Beyond Rougemont Terrace, there is no one particular design or scale of development which is prevalent within the area. Therefore, whilst the proposed dwelling is detached, it is considered that its design would be such that it would be appropriate for its location, and would not harm the visual appearance of the area.

It, therefore, is considered that the scale and appearance of the proposed dwelling is acceptable in would comply with Strategy 6 and Policy D1 (Design and Local Distinctiveness) of the EDLP. However, in the interests of ensuring that the most appropriate materials are used, it is considered reasonable to impose a condition seeking details of the proposed materials.

#### Highway safety and parking provision.

It is proposed to utilise an existing vehicular entrance onto the highway, and one parking space would be allocated to the proposed dwelling, with 1 space retained for number 1 Rougemont Terrace. Some objections have been made to this arrangement on the grounds that this provision is insufficient, and also on the grounds that it would not comply with a deed/covenant, or that the applicant does not have a right of access.

Matters relating to deeds/covenants or rights of access, are not a planning consideration although it is understood that the applicant has a right to use the access.

With regard to the provision of parking, Policy TC9 (Parking Provision in New Development) of the Local Plan states that new properties with 2 or more bedrooms should provide at least 2 parking spaces. The proposed dwelling would have two bedrooms. Therefore, on the face of it, the proposal would appear not to comply with the aforementioned policy and in addition, number 1 would result in provision of only one parking space – a net overall loss. However, the policy also states:

*"In town centres, where there is access to public car parks and/or on-street parking, lower levels of parking and, in exceptional cases, where there are also very good public transport links, car parking spaces may not be deemed necessary."*

The proposal site is close to the town centre of Axminster, buses run past the site, and it is within walking distance of the train station and car parks.

Whilst it is recognised that approximately 4 cars have parked on the site historically, and that some of this would have to relocate elsewhere in an area that has high levels of on-street parking, in light of the very sustainable location of the site and the wording of Policy TC9, it is considered that the parking levels are acceptable and that it would be difficult to win an appeal on the basis of a lack of suitable car parking provision. It being considered that an Inspector would be greater weight to the benefit of an additional dwelling than to any inconvenience from increased pressure on on-street car parking.

On this basis, taking into account the above statement from Policy TC9, it is considered that the proposed provision of one parking space is sufficient in this instance.

It is also noteworthy that the County Highway Authority (CHA) has not objected to the proposal raising any concerns in relation to the number of parking spaces or to how they would be accessed off the main road. This is partly due to an overall decrease in the number of cars using the access.

#### The impact of the proposal on the amenity of the occupiers of other properties.

There is a requirement through Policy D1 of the Local Plan to ensure that proposals do not have a harmful impact upon the amenity of surrounding residents from overlooking or overbearing impacts

The windows on the front of the proposed property would face onto the public highway and, therefore, would not result in any loss of amenity. The rear ground floor windows would face into the rear garden of the proposed dwelling; resulting in no amenity loss.

The rear first floor windows would face mainly into the recreation ground to the rear of the property and whilst some oblique views into the gardens of a neighbouring property may arise, this is not an unusual arrangement and not one that could justify a refusal of planning permission.

Windows would be installed on both side elevations. Those on the south-western elevation would face towards a blank elevation of 1 Rougemont Terrace, and would consist of a stairwell window and a downstairs toilet window. Those on the north-eastern elevation would be on the ground floor, serving the kitchen and living room (although a secondary window in the latter of those instances). There would also be a door in the north-eastern elevation. It is considered that these openings on the north-eastern elevation would not result in a loss privacy to the occupiers of Westway, due to the distance between that property and the proposed dwelling, and given that the location for the dwelling has been historically open allowing similar viewing relationships with Westway.

With regarding to any overbearing impacts, there are no windows in the side elevation of 1 Rougemont Terrace. Given this, and as there would be a gap between that property and the host dwelling, it is considered that the proposal wouldn't be overbearing on 1 Rougemont Terrace.

There are some windows on the southern elevation of Westway. Despite this, it is considered that there would be sufficient distance between the proposed dwelling and Westway such that the proposal would be overbearing on the occupiers of Westway. The occupiers of Westway have raised concerns about a loss of light from the proposal. However, given the distances involved, it is considered that the proposal would not result in this to a level at which it would be reasonable to refuse the application.

#### Other matters.

Many of the comments raised during the consultation process are considered above, however, it is noted that the occupiers of Westway make reference to the preference for a wall on the curtilage boundary between the properties. The plans do not indicate what, if any, boundary treatment would be installed on the return down the side of the proposed dwelling. Whilst there is a hedge to part of the boundary, this may not be retained/survive the construction processes and as such it is considered reasonable to impose a condition to ensure details of the side and rear boundary treatment are submitted for approval.

The proposed dwelling would have a relatively modest curtilage. Therefore, it is considered reasonable to withdraw permitted development rights relating to extensions, porches and outbuildings. This would enable the Council to retain control over such developments to ensure that the site is not overdeveloped.

#### **CONCLUSION**

The development is acceptable in principle as it is located within the Built-up Area Boundary for Axminster.

The design of the dwelling is acceptable, matching the adjoining terrace, and as such it will not be out of character with the area.

Whilst the proposal will result in the loss of parking spaces for number 1 Rougemont Terrace, the proposal includes the provision of 1 space for number one plus one space for the new dwelling. In light of Policy TC9, and given the very sustainable location of the site, it is considered that a refusal of planning permission on the grounds of a lack of parking would be difficult to uphold on appeal.

The proposal would have an acceptable relationship with surrounding properties.

Given the above, it is considered that the proposal is acceptable. Therefore, it is recommended that this application is approved.

#### **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. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development 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 the materials 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. 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 shall be undertaken within the Schedule 2 Part 1 Classes A 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.

(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 East Devon Local Plan 2013-2031.)

5. Before development above foundation level is commenced, details of the side and rear boundary treatment 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 the materials 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.)

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

##### Plans relating to this application:

Location Plan

05.11.18

TW17/101/2A	Proposed Combined Plans	27.03.19
TW17/101/2B	Proposed Site Plan	27.03.19

List of Background Papers

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