

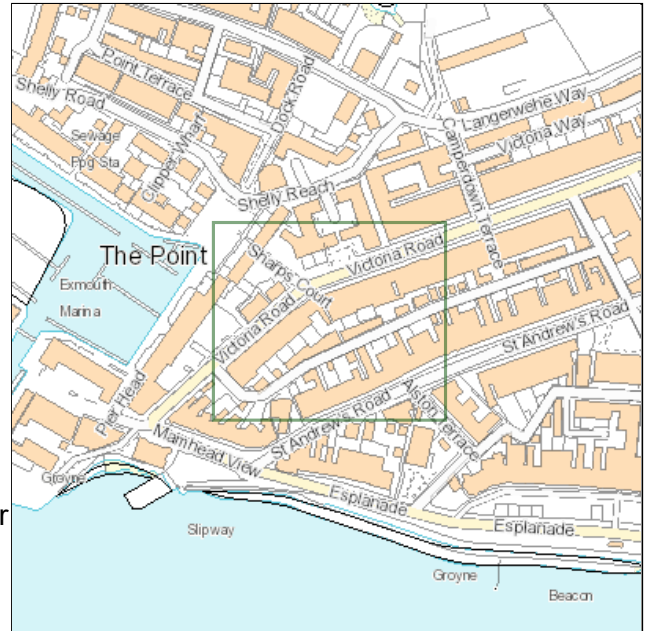
**Ward** Exmouth Town

**Reference** 20/1799/FUL

**Applicant** Mrs K Rowsell

**Location** 105 Victoria Road Exmouth EX8 1DR

**Proposal** Proposed new 1 bed annexe with under-croft for 2no. vehicle parking.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Exmouth Town (Exmouth)</b>	<b>20/1799/FUL</b>	<b>Target Date: 29.10.2020</b>
<b>Applicant:</b>	<b>Mrs K Rowsell</b>	
<b>Location:</b>	<b>105 Victoria Road Exmouth</b>	
<b>Proposal:</b>	<b>Proposed new 1 bed annexe with under-croft for 2no. vehicle parking.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Planning Committee because the view of officers differs to that of the Town Council and ward councillor.**

**Planning permission is sought for the demolition of the existing garage and the construction of a one bedroom annexe that would provide living accommodation at first floor level and car parking at ground floor. The proposed building would be two stories in height with a simple gable design.**

**The application follows the Council's refusal of an earlier planning application (ref 19/2698/FUL) for the construction of a one bedroom residential dwelling, with dormer windows to front and rear to replace existing garage which was refused on a number of grounds including because of its design and impact on the streetscene, its impact on the amenity of neighbouring properties and because the application failed the sequential test by proposing a residential dwelling in a flood zone.**

**This revised application has significantly changed the design, form and appearance of the building to a more simplified pitched roof design which would be more in keeping with the design of a number of outbuildings which back onto the service lane. In-turn, the revised design has reduced the impact of the bulk and massing of the building and its physical impact on the occupiers of surrounding properties to an acceptable level in planning terms. Concerns about overlooking and loss of privacy have been overcome through the positioning of high level windows.**

**Concerns about this being a backdoor route to a dwelling on the site are noted however this proposal is for annexe accommodation that would be occupied ancillary to and in conjunction with the occupation of the ground floor flat of 105 Victoria Road. Given the close relationship between the existing flat and the**

**proposed building, the lack of amenity space and the fact that the building is within the flood zone where new residential development is not normally permitted where it would fail the sequential test, it is considered necessary and reasonable to impose a condition that ensures the building is only occupied and used as ancillary accommodation to the ground floor flat. The use of the building as a separate dwelling would not be acceptable.**

**Subject to this condition and in the absence of any significant harm to the character and appearance of the area, the amenities of the occupiers of surrounding properties, highway safety and flood risk, it is considered that the proposal complies with the East Devon Local Plan and the Exmouth Neighbourhood Plan.**

**The application is therefore recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Exmouth Town - Cllr Olly Davey**

Despite the balanced view in the report, I find this proposal completely unacceptable. It turns a single storey garage typical of the area into a two storey building, which is not in keeping with the scale of buildings in the area, despite the amendment to a pitched roof and gable, which it is argued, is similar in design. However, my objection is to the scale, and whole principle of adding residential accommodation separate from the building to which it relates. This is not an extension, it is a separate building, and a two storey one at that. The condition that it can only be occupied as ancillary to the existing flat does nothing to mitigate this in my view, and I continue to feel that this is inappropriate development in an already densely occupied area.

I would welcome an invitation to speak at this meeting.

#### **Parish/Town Council**

**Meeting 14.09.2020**

Objection, this revised proposal to erect a one-bedroom dwelling did not mitigate the previous concerns raised. It was felt the proposal was overdevelopment in terms of over intensification of the land use. The revised scheme did not overcome issues of overlooking and loss of privacy which would be harmful on the local residential amenity. The road infrastructure did not support additional development and the proposal would result in the loss of parking for the residents of the main house thereby encouraging additional in-street parking in an area of high demand. The introduction of a dwelling which would be only accessible from the service road in close proximity to the 'main' house was considered unacceptable and would set a precedent for similar future development. The application was therefore considered to be contrary to EB2 of the Exmouth Neighbourhood plan which states development should be mindful of the surrounding styles and ensure a high level of design and East Devon Local Plan policy TC7 (adequacy of road network and site access).

Further comments:

Meeting 09.11.2020

Objection sustained, the amended plans to reduce the size of the living room window would not mitigate previous concerns raised.

### **Technical Consultations**

Environment Agency

PROPOSED NEW 1 BED ANNEXE WITH UNDER-CROFT FOR 2NO. VEHICLE PARKING

105 VICTORIA ROAD, EXMOUTH, DEVON, EX8 1DR

Thank you for consulting us on this application.

Environment Agency position

We have no objections to this application.

Reason

The submitted flood risk assessment has been reviewed. The Environment Agency can agree with the conclusions and recommendations of this report and have no objection.

It is worthwhile noting that the newly constructed tidal defences for Exmouth will provide a high standard of protection from tidal flooding for this area of Exmouth, providing a much reduced risk to this development.

Further comments:

We have no additional comment to make following our previous response (dated 21 September 2020).

Our position still stands.

### **Other Representations**

6 letters of objection have been received at the time of writing this report which can be summarised as:

- Loss of privacy / loss of light to neighbours
- Overlooking into garden
- Overdevelopment of a property which has already just been significantly extended at rear to make it from 3 flats into 4 flats, with attendant loss of light to its neighbours.
- Overcrowding of space available on property and impact this has on neighbours
- Inappropriate siting - ie Building a dwelling place on an access road of garages, in a congested access road meant for other purposes.

- Setting a precedent for others in the road to apply to do same with their garages.
- We hope that planning committee will consider the needs and opinions of the local community who live here and care about our road and our local environment as well as that of absentee landlords.
- The eaves of the property project over the boundaries on either side (East and West) into adjacent gardens.
- The correct notice has not been served.
- Overshadowing of garden
- Materials are not in keeping
- The service road is poorly surfaced and will be further damaged by this proposal
- Additional parking problems

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
19/2698/FUL	Construction of one bedroom residential dwelling, with dormer windows to front and rear to replace existing garage	Refused	09.03.2020
16/2273/FUL	Conversion of building to provide 2 no. one bedroom apartments on the first floor and 1 no. two bedroom apartment on the second floor, erection of first floor rear extension, and installation of rear Juliet Balcony and first floor side window.	Approval - standard time limit	01.08.2017

### **POLICIES**

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

D1 (Design and Local Distinctiveness)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Exmouth Neighbourhood Plan (Made)

**Site Location and Description**

105 Victoria Road is a terraced property situated within the built-up area of Exmouth, a short distance from Exmouth town centre. The property fronts onto Victoria Road, and had a garden/yard area to the rear which is fairly narrow and contains an existing single storey garage which is the subject of this application. There is a service road beyond the garden/yard area. The site is located within the built-up area boundary of Exmouth in an area designated as flood zones 2 and 3. No townscape designations apply.

**Planning History**

Planning permission was refused in 2020 (ref 19/2698/FUL) for the construction of one bedroom residential dwelling, with dormer windows to front and rear to replace existing garage. The three reasons for refusal read:

*1. The introduction of a dwelling fronting onto the service lane by reason of its design, scale, height and bulk would create a visually intrusive and discordant feature within the streetscene which by reason of its mansard roof design and dormer windows would be out of character and detrimental to the character and appearance of the area. The proposal would be contrary to the provisions of Strategy 6 (Development within Built-Up Area Boundaries) and policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and EB2 of the Exmouth Neighbourhood Plan.*

*2. This application fails the Sequential Test in that there are alternative sites in areas of lower flood risk where a single dwelling could be provided. Furthermore, in the absence of a detailed Flood Risk Assessment the flood risks posed by the development are unknown. The proposal is therefore considered to be contrary to the provisions of policy EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan 2013-2031 and the flood risk guidance contained within Section 10 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework and the National Planning Practice Guidance.*

*3. The proposed development by reason of its height, bulk, massing and proximity to the site boundaries would result in an unacceptable relationship with the surrounding properties with an unduly harmful overbearing and over dominant impact and through overlooking and loss of privacy which would be to the detriment of the residential amenities of the occupiers of surrounding properties. The proposal is considered to be contrary to the provisions of policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).*

Planning permission was granted in 2017 (ref 16/2273/FUL) for the conversion of building to provide 2 no. one bedroom apartments on the first floor and 1 no. two bedroom apartment on the second floor, erection of first floor rear extension, and installation of rear Juliet Balcony and first floor side window. This planning permission expired in August 2020.

### **Proposed Development**

This application seeks planning permission for the demolition of the existing garage and the construction of a one bedroom annex that would provide ancillary living accommodation at first floor level and car parking at ground floor. The proposed building would be two stories in height with a simple gable design. The building would be of facing brickwork construction with horizontal composite cladding at first floor. The roof would be of fibre cement slate construction.

### **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 the residential amenities of the occupiers of surrounding properties, highway safety and parking, and flood risk.

### **Principle**

The site is located within the built-up area boundary of Exmouth, in a sustainable location, where the principle of new residential development is considered to be acceptable under the provisions of Strategy 6 (Development within Built-Up Area Boundaries) of the Local Plan.

Strategy 6 states that built-up Area Boundaries are defined on the Proposals Map around the settlements of East Devon that are considered appropriate through strategic policy to accommodate growth and development. Within the boundaries development will be permitted if:

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.

These issues will be discussed within the body of this report.

### **Character and Appearance**

In addition to the requirements of criterion 1 of Strategy 6 which requires proposals to be compatible with the character of the site and its surroundings, policy D1 (Design and Local Distinctiveness) of the Local Plan states that proposals will only be permitted where they:

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.
3. Do not adversely affect:
  - a) The distinctive historic or architectural character of the area.
  - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
  - c) Important landscape characteristics, prominent topographical features and important ecological features.
  - d) Trees worthy of retention.
  - e) The amenity of occupiers of adjoining residential properties.

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

The existing dwellings on Victoria Road are of a similar architectural style and design consisting of two and three storey terraced properties with two storey projections into the rear gardens which are long and narrow. The majority of the gardens have subservient outbuildings and garages at the rear of the plots which front onto the service road at the rear.

The character of the service road at the rear is defined by outbuildings of various designs and styles, most of which are single storey with either flat or pitched roof designs, providing car parking and storage for the properties typical of service roads in Exmouth.

This application seeks to address previous concerns about the introduction of a dwelling at the rear of the plot with front and rear dormer windows being at odds with the character of the service road and about its size, site coverage and mansard roof design would be visible above the more subservient single storey garages at the rear of the plot.

The proposal is for annex accommodation to the ground floor flat and has been designed with a more traditional pitched roof form with a gable feature facing towards the service lane. Whilst the building would still be two stories, it is considered that the bulk and massing of the building has been reduced through the design changes and removing the mansard roof design of the building in favour of a more traditional pitched roof approach. There are examples of larger garages on the service lane which have pitched roofs and which slope away from the boundaries of the site and this revised proposal is considered to be more in keeping with the prevailing pattern and character of development along the service road.

The design, size and scale of the proposed annex building is considered to be acceptable and would not result in any significant harmful impact to the character and



appearance of the area or the streetscene. It is considered that the proposal complies with the provisions of Strategy 6 and policy D1 of the East Devon Local Plan and policy EB2 of the Exmouth Neighbourhood Plan.

### **Residential Amenity**

Policy D1 of the Local Plan requires that developments do not adversely affect the amenity of occupiers of adjoining residential properties. Replacing the existing single storey garage with a two storey dwelling with the increase in bulk and massing, site coverage and overall height would result in a significant increased physical impact in terms being unduly over bearing and over dominant on the occupiers of surrounding properties and their rear gardens leading to a greater sense of enclosure which would be to the detriment of the residential amenity of adjoining occupiers.

The previous application for a dwelling was refused because it would have resulted in an unacceptable relationship between neighbouring properties and 105 Victoria Road itself because of its close proximity to the rear of the terraced properties in Victoria Road and their gardens with subsequent overbearing and over dominant impact, overlooking and loss of privacy.

### **Amending the proposal from a separate dwelling to annex accommodation**

Whilst the proposed building would still have a degree of impact on its immediate neighbours because of its size and scale, its design change from the mansard roof design to the pitched roof design would serve to significantly reduce the bulk and massing of the building and the overbearing and over dominant impact it would have. In contrast to the previously refused scheme, the bulk and massing of the building would be reduced where the pitched roof of the building would slope away from the boundaries with the neighbouring properties thus reducing its overall impact.

Positioning the building between the boundaries of the gardens of surrounding properties and extending to the boundaries of the site would result in a degree of impact in terms of the physical impact of the building, located at the rear of the garden it isn't considered that it would result in a significantly harmful impact or relationship that doesn't already exist between properties and outbuildings on Victoria Road. Concerns about loss of light are noted however given the position of the building, its size and orientation, it isn't considered that the impact in terms of loss of light and the overall physical impact of the building would be so harmful to amenity to sustain an objection.

Concerns regarding the relationship between the proposed building and the impact from overlooking from the rear window have been addressed through the submission of amended plans. The amended plans have reduced the size of the first floor lounge window on the rear elevation of the building being high level, more than 1.7 metres from the finished floor level of the first floor. This would be sufficient to ensure that there would be an acceptable relationship between the annex accommodation and the rear elevations of the terraced properties.

Concerns about the eaves of the building projecting over the shared boundary wall on either side (East and West) into adjacent gardens are noted and in this respect, notice

has now been served on the two adjacent properties 103 and 107 Victoria Road and Certificate B of the planning application form has been completed. It is accepted that a party wall agreement will be needed for this development to be carried out.

On balance, having regard for the design changes that have been made to the proposed building, it is considered that the impact on residential amenity would not be significantly harmful enough to refuse planning permission.

### **Flood Risk**

The site falls within an area designated as flood zones 2 and 3 and is at risk from flooding. The application is accompanied by a flood risk assessment that has been reviewed by the Environment Agency who agree with the conclusions and recommendations of this report and therefore have no objection to the proposal. This is on the basis that the annex accommodation would be provided at first floor level with an undercroft parking area beneath. The FRA sets out that the proposed annexe will make no change to the existing rear garage footprint therefore will not increase the local areas fluvial flood levels and that all habitable rooms will be at first floor above the 4.4 AOD flood level for the 1:200 Year Tidal Flood Level with a 100 year allowance for predicted climate change.

It will be necessary to impose a condition requiring the flood proofing measures set out within the FRA to be carried out as part of the development. On the basis that no objections have been received from the EA and that the proposal is for annex accommodation as opposed to separate living accommodation which would fail the NPPF requirements for sequential testing, it is considered that the proposal is acceptable on flood risk grounds and complies with the provisions of policy EN21 (River and Coastal Flooding) and EN22 (Surface Run Off Implications of New Development) of the East Devon Local Plan.

### **Highway Safety and Parking**

The proposal makes provision for the parking of two vehicles as well as cycle storage within the undercroft area of the building. Access onto the service lane is considered to be acceptable and it isn't considered that the level of traffic generation from the proposal would give rise to any highway safety concerns. No objections have been received from the County Highway Authority and the proposal is considered to comply with the provisions of policies TC2 (Accessibility of New Development), TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Local Plan.

### **Occupancy Restriction**

This application has been made for annex accommodation that would be occupied ancillary to and in conjunction with the occupation of the ground floor flat. Given the close relationship that between the existing flat and the proposed building, the lack of amenity space and the fact that the building is within the flood zone where new residential development is not normally permitted sequentially, it is considered necessary and reasonable to impose a condition that ensures the building is only

occupied and used as ancillary accommodation to the ground floor flat. The use of the building as a separate dwelling would not be acceptable.

## **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. 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. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the ground floor flat known as Flat 1, 105 Victoria Road.  
(Reason - The building is unsuitable for independent residential occupation due to its relationship with adjacent dwellings and lack of amenity space and because it is located within an area at high risk of flooding where a new dwelling would fail the sequential test. Unrestricted occupation of the dwelling would fail to comply with the requirements of Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan 2013-2031 and the flood risk policies and guidance contained within both the National Planning Policy Framework and Planning Practice Guidance.
5. The development hereby approved shall be carried out in accordance with the flood risk measures contained within the Flood Risk Assessment prepared by ARA Architecture received on the 20th August 2020.  
(Reason: The site is within a flood zone where flood proofing measures and flood risk measures are required to ensure that flood risk is minimised in accordance with policy EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan 2013-2031 and the flood risk policies and guidance contained within both the National Planning Policy Framework and Planning Practice Guidance.

6. Notwithstanding the submitted details, the first floor window on the rear (N.W) elevation and the roof lights on the side (S.W) elevation shall be positioned no lower than 1.7 metres above the finished floor level of the rooms they are intended to serve.  
(Reason: To protect the amenities of the occupiers of surrounding properties from overlooking and loss of privacy in accordance with the provisions of policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

Plans relating to this application:

6946-200 REV C	Proposed Combined Plans	02.11.20
	Flood Risk Assessment	20.08.20
6946-LPA	Location Plan	20.08.20

List of Background Papers

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