

Ward West Hill And Aylesbeare

Reference 20/1999/VAR

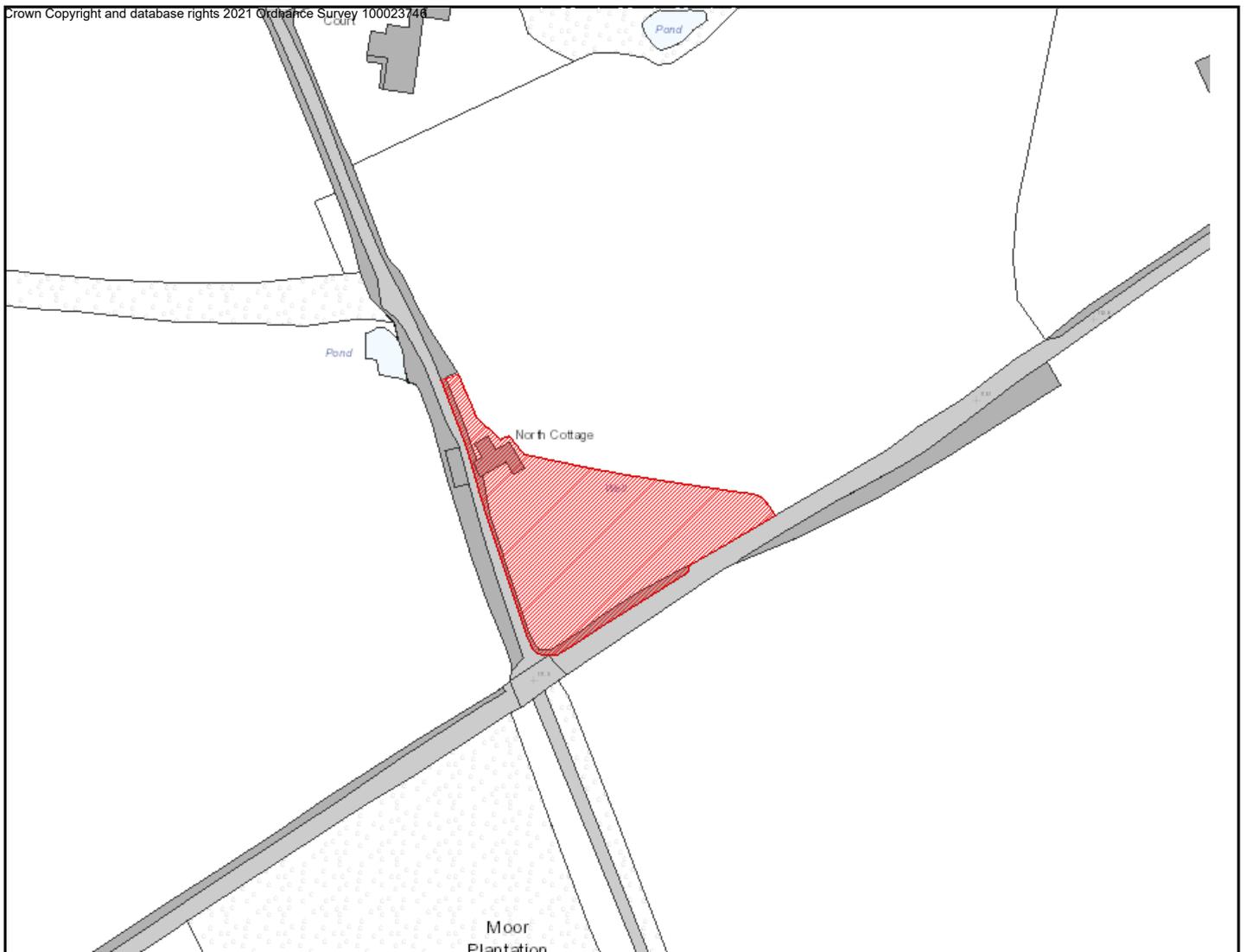
Applicant Mr Peter Carhart

Location North Cottage Aylesbeare Exeter EX5 2DB

Proposal Variation of condition 2 of application no. 19/2803/FUL (Demolition of existing cottage and construction of a new bungalow style dwelling and associated car port, garage workshop/storage out building) to allow amended workshop/storage building design and position



RECOMMENDATION: Approval with conditions



		Committee Date: 5th May 2021	
West Hill And Aylesbeare (Aylesbeare)	20/1999/VAR	Target Date:	25.11.2020
Applicant:	Mr Peter Carhart		
Location:	North Cottage Aylesbeare		
Proposal:	Variation of condition 2 of application no. 19/2803/FUL (Demolition of existing cottage and construction of a new bungalow style dwelling and associated car port, garage workshop/storage out building) to allow amended workshop/storage building design and position		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members because the officer recommendation is contrary to the view of the Ward Member.

The application seeks to vary planning permission granted under reference 19/2803/FUL for the demolition of an existing property and construction of a new dwelling with associated car port, garage and workshop/storage outbuilding. The proposal seeks an amended design and position for the workshop/storage building. The proposal has been amended since submission to reduce the size of the building.

The proposed design of the building is more agricultural than previously approved, and the scale is larger. The siting, albeit still to the front of the proposed dwelling, has also been altered and the building has been turned so that the ridge of the roof runs parallel with the road.

Whilst the building is large and visible from the road, it has a functional appearance, which is partially seen within the context of the existing trees and vegetation on the site. It is not unlike many agricultural buildings within the countryside, and within this rural context it is not considered that it would appear unreasonable intrusive, subject to appropriate materials being used, such that planning permission should be withheld.

The proposal will result in the loss of one small tree previous shown to be retained but the Devon Bank to the site boundary is proposed to be retained with replacement planting elsewhere within the site.

As the proposal is a variation of an earlier permission, and therefore will be a replacement consent, the conditions relating to that approval have been re-imposed, and other necessary conditions relating to the use and materials of the building are recommended.

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

I wish to register my OBJECTION to this variation for the following reasons:

1. The site is within the open countryside and I believe more than doubling in size this detached building (adding over 100 square metres) will create a building which is excessive in scale. I believe the height, mass and bulk of the building will detract from the rural character of the setting.

2. The proposed siting of the building which directly abuts Oak Lane will mean that the building is highly prominent from Oak Lane and this is unacceptable. I do not believe it can be screened satisfactorily.

Parish/Town Council

Aylesbeare Parish Council object to this application.

The Council considers the amended workshop/storage building to be excessive in area and height for a domestic garage. Furthermore there are no plans to replace/restore the vegetation lost by this amendment.

Further comments

Aylesbeare Parish Council objects to this application as the size of the proposed garage is significantly out of proportion and an excessive size for a domestic garage.

The proposed garage is more like a commercial building.

The Council is concerned that a mature tree will be lost.

The Council is also concerned that, should the structure be allowed, the drainage has not been adequately considered. The soak away volume is not mentioned in the proposal and the amended proposal does not include the storm overflow that was included in the earlier, first application. It is unclear to where the ditch will drain from the property and the flood risk assessment mentions an infiltration test but does not give the results of this test.

Technical Consultations

None received

Other Representations

None received

PLANNING HISTORY

Reference	Description	Decision	Date
19/2803/FUL	Demolition of existing cottage and construction of a new bungalow style dwelling with associated car port, garage workshop and storage out buildings	Approved	23.04.2020

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

H6 (Replacement of Existing Dwellings in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The site lies in the countryside to the east of the settlement of Aylesbeare. It currently comprises a detached dwelling set in generous grounds, it has a dedicated parking area of the public highway and an overgrown area of vegetation to the south and south east.

Proposed Development

This application seeks to vary the planning permission granted under reference 19/2803/FUL for the demolition of the existing dwelling and erection of a replacement dwelling together with new access from the public highway and enhanced landscaping. It is proposed to replace the previously approved garage/workshop and other outbuildings with a single larger storage/garage/workshop building.

The proposed building has a floor area of 100 square metres, with an overall height of 4m to the ridge, 3m to the eaves. It has been sited adjacent to the hedgebank forming the boundary with Oak Road, with a roller shutter entrance contained within the south western gable.

Consideration and Assessment

The main issues to be considered in the determination of this application relate to the principle of the proposed development and any impact of the siting, scale and appearance of the amended building on the character and appearance of the area, on trees, or on ecology.

Principle

Planning permission has been granted for the replacement of the existing dwelling with an outbuilding/garage in the general position of the current siting. As such it is not considered that there is any objection to the principle of an ancillary building in this general location within the site.

In terms of the size of the building required, the applicant has a collection of vehicles, including classic cars and machinery and is seeking to consolidate the existing outbuildings on the site, and to provide secure storage and shelter.

Siting, Scale and Design

The approved garage/outbuilding was located to the front of the new dwelling, and designed to have the appearance of a large 3 bay garage, being an oak framed building with horizontal cladding under a metal standing seam pitched roof. The floor area was 49 square metres, with an overall height of 4.57m, with the building sited perpendicular to the road.

The current proposal seeks to site a building a much larger building, being 100 square metres occupying part of the original site, although set closer to the road, and extending further to the north east than the approved building. The gable end of the building has a similar width as the previously approved building, with a shallow pitch roof meaning that the overall height is less than that of the approved garage.

The possibility of re-siting the building within a different part of the site has also been explored, however there are a number of constraints within it, in particular the shape of the site, trees, and the position of a major overhead power line meaning that the current siting is the only position available.

During the course of the application, the building has been considerably reduced in size, by over 60 square metres in floor area and reduced in height by 0.7m and its orientation has been amended so that the ridge of the roof runs parallel with the road. It remains a large building, however it is considered that the substantial reduction in scale lessens any impact on the surrounding area. It has the appearance of a small agricultural building, and would, to a certain extent be viewed against the backdrop of existing trees and vegetation. It would still be visible from the road, and whilst also seen within the context of the new domestic dwelling, the design and form would not be out of place with many similar agricultural buildings in the area.

With the use of appropriate materials, with wooden cladding being used for the walls, rather than the more industrial profiled sheeting indicated, it is considered that the building would not appear to be unreasonably dominant within its rural context.

Trees

The amended siting and scale of the building is such that the proposal will result in the loss of one small tree previously shown to be retained. However, the tree is not significant and the landscape plan details replacement tree planting throughout the site as per the previous consent. The road-side Devon Bank will be retained.

Ecology

A further ecological report has been submitted which concludes that the larger building now proposed would result in a negligible increase in habitat loss, above that previously proposed, which would be adequately compensated for by an increase in wildflower and hedgerow planting. It concludes that the proposals would result in a net gain in biodiversity.

Drainage/Flooding

The proposed building is larger than that previously approved with a consequent potential increase in flooding. The previous application was accompanied by a flood risk assessment which addressed the proposed development and found that the site was not at risk of flooding. Whilst this application increases the built site coverage, it is considered that the proposed arrangements within the previous flood risk assessment would be appropriate to accommodate any additional increase in the size of the building. There is substantial vegetation on the site and the previously proposed crated soakaway, or alternative attenuated discharge at a maximum rate of 1.5l/s is considered to be reasonable. The submission of suitable details to cater for the new building can be conditioned to ensure that appropriate drainage arrangements are provided.

Conditions

This application would result in a new planning permission in lieu of that previously proposed and it is therefore considered to be necessary to re-impose those conditions attached to the previous approval. In addition, it is considered further conditions are necessary to ensure that appropriate materials are used for the construction of the building and that the use remains ancillary to the dwelling with which it is associated.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the 23 April 2023 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. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) will have been completed:
 - a) The tree protection fencing shall be in place and in accordance with the agreed specification.
 - b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
 - c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protections measures identified in the above AMS and TPP will be undertaken:

- d) Ad-hock bi-monthly arboricultural site inspections.
- e) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

- f) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990.

4. No other work shall commence on the site (other than for the protection of trees or wildlife) until the access road junction with the county highway, including the visibility splays, has been completed and made available for use in accordance with the plans hereby permitted.

(Reason - To ensure that the access road junction is planned and provided in good time in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the Adopted New East Devon Local Plan 2016.)

5. Within 3 months of the first occupation of the dwelling hereby approved the existing dwelling known as North Cottage shall be demolished and all materials removed from the site

Reason: To ensure that there are not two habitable dwellings on the planning unit where any additional dwellings would represent an unsustainable form of development in accordance with Strategy 7 of the East Devon Local Plan

6. Development shall proceed in accordance with Section 4 (Recommendations and Mitigation) of the Ecological Appraisal carried out by Richard Green Ecology dated October 2019, and the conclusions and recommendations in the Addendum Ecological Appraisal carried out by Richard Green Ecology dated November 2020.

Reason: To ensure that the mitigation and enhancement recommendation contained in the report are implemented as part of the proposal in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan and advice contained in the National Planning Policy Framework

7. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and 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 New East Devon Local Plan 2016.)
8. Notwithstanding the submitted details, the walls of the workshop/storage outbuilding shall be clad in timber above the concrete blockwork, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved boarding shall be retained thereafter.
(Reason – To protect the character and appearance of the area, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.
9. The workshop/storage outbuilding building hereby permitted shall be used only in conjunction with, and ancillary to, the use of North Cottage as a single dwelling house and shall not be used as a separate dwelling or for any commercial, industrial or business purpose.
(Reason - The building is unsuitable for independent residential occupation being in an unsustainable/inaccessible location where a separate unit of accommodation would not be adequately served by a range of services and facilities and a commercial use could cause undue noise and disturbance to adjoining occupiers in accordance with the requirements of Strategy 7 (Development in the Countryside), and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)
10. No development shall take place on site until a drainage scheme, prepared in accordance with the provisions of the Flood Risk Statement prepared by Heighway Field Associates in relation to application 19/2803/FUL and dated December 2019 has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.
(Reason – The details are required prior to commencement to ensure that the fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 (Surface Run-off Implications of New Development) and the guidance contained within the National Planning Policy Framework).

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.

The historic planning application is referenced under 18/2504/MFUL for which the approved plans were as follows:-

1901-SL1 rev A	Location Plan	08.01.20
1901-101 rev D	Proposed Site Plan	19.12.19
1901-102 rev E : floor/elevations	Proposed Combined Plans	19.12.19
1901-105 rev A : garage floor/elevations	Proposed Combined Plans	19.12.19
1901-106 rev A	Block Plan	08.01.20
CT_5357.19_TC P	Landscaping	19.12.19
CT_5700.20_TP P	Additional Information	09.04.20

Plans relating to this application:

1901-SL1 REV B	Location Plan	25.09.20
1901-115 Rev C	Proposed Block Plan	17.03.21
1901-111 Rev H	Proposed Site Plan	17.03.21
1901-113 Rev D	Proposed Elevation	17.03.21
1901-114 Rev F	Proposed Combined Plans	17.03.21

List of Background Papers

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

