

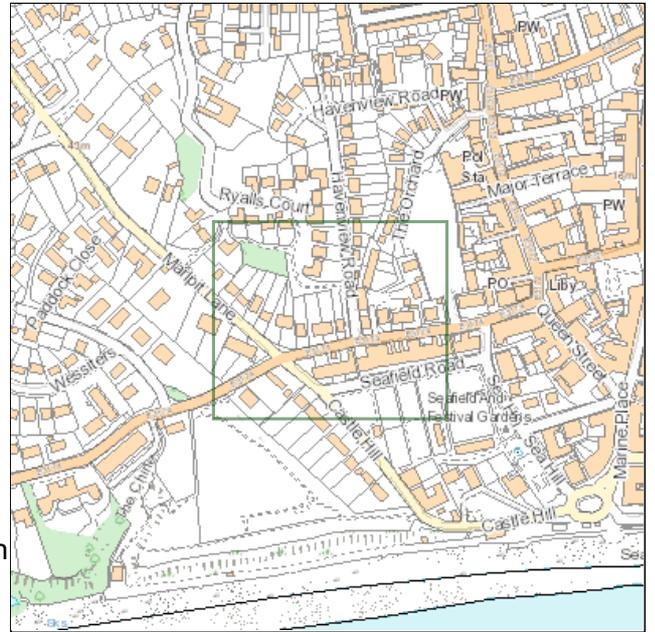
**Ward** Seaton

**Reference** 21/1101/FUL

**Applicant** Mrs Jo Beckett

**Location** Flat 2 Stanmore 36 Beer Road Seaton EX12 2PG

**Proposal** Proposed loft conversion with front and rear dormers and single storey home office in garden



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 29<sup>th</sup> September 2021</b>
<b>Seaton</b>	<b>21/1101/FUL</b>	<b>Target Date: 18.06.2021</b>
<b>Applicant:</b>	<b>Mrs Jo Beckett</b>	
<b>Location:</b>	<b>Flat 2, Stanmore, 36 Beer Road, Seaton</b>	
<b>Proposal:</b>	<b>Proposed loft conversion with front roof light, rear dormer and single storey home office in garden</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

This application is put before Members because the view of officers differ to those of a Ward Member and the Town Council.

Planning permission is sought for the construction of a dormer window to the rear and installation of a rooflight to the front of the property to allow for a loft conversion and for the erection of a studio in the garden ancillary to the host dwelling. The studio would provide office accommodation and a play room. The proposed materials are to match those of the existing dwelling with natural timber cladding to the front elevation of the proposed studio. The application originally proposed a front dormer window but this has been replaced with roof lights.

The application, given its design, scale and location, is not considered to result in any significant detrimental impact upon the character or appearance of the area and street scene, nor have a negative impact to the amenity of any neighbour. The proposal would be of a form, layout and design that is consistent with the surrounding properties.

The application is therefore recommended for approval.

#### **CONSULTATIONS**

##### **Local Consultations**

Seaton - Cllr Marcus Hartnell  
13.05.2021

I object to this application as I am concerned about the size and purpose of the home office and wonder if it might require a change of use on a separate application? I would also raise concern of overlooking neighbouring properties from the Juliette balcony.

Further comments:

22.07.2021

I agree with the comments and concerns raised by the Town Council and cannot support this application.

Parish/Town Council

14.05.2021

Seaton Town Council object to this planning application.

Reasons for the objection:

This application is for the conversion of roof space to habitable use to include a rear dormer with juliet balcony, front dormer and gable end window single storey outbuilding to rear for use as 2 x offices and a den at Flat 2, 36 Beer Road, Seaton EX12 2PG.

The Planning Committee thought the application should have been submitted as two applications not one. One for the conversion of the attic space and another for the single storey home office in the garden as it will be primarily used as an office and therefore an application for a B1 Business usage should have been submitted which would cover the proposed business use of the home office. Therefore, there should be a Change of Use application submitted for the single storey home office as it is more than just one room being used for business purposes.

Neighbours have raised the issue of overlooking. The Council would want to see the Juliet balcony in the flat roof dormer removed and replaced with a dormer window. This would help protect the privacy of the occupiers of neighbouring residential dwellings who currently use their gardens to rest, eat and enjoy themselves with no fear of being overlooked. This is contrary to Policy D1 ' Design and Local Distinctiveness of the East Devon Local Plan 2013-2031 which states that proposals should not adversely affect the amenity of occupiers of adjoining residential properties.

For the above reasons Seaton Town Council object to this application.

Further comments:

12.07.2021

Seaton Town Council object to this planning application.

Reasons for the objection:

Seaton Town Councils' Planning Committee acknowledged the amended plans submitted for this application, but still had concerns that the reasons they objected to

the application in May had not been fully addressed with the amended plans and therefore still object to the application.

The Planning Committee thought two applications should have been submitted for the work proposed. One for the loft conversion and another, Class E - Commercial, Business and Service use application, for the home office/studio which would cover the proposed business use of the building. Therefore, there should be a Change of Use application submitted for this building as more than one room will be used for running a business.

Members thought the size, scale and mass of the office/studio did not relate well to their context. The applicant only owns half of the rear garden and the building appears to take up half of their part of the garden. This would be overdevelopment of the plot and would make the home office/studio appear cramped and out of keeping with the surrounding area. Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan states that proposals will only be permitted where they ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context. This application does not adhere to this policy.

The applicant has replaced the Juliet balcony with a dormer window in the amended plans. A dormer window does not relate well to the area where the development is proposed and is therefore contrary to Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan. A Velux window would be more in keeping with the surrounding properties and would respect the key characteristics and special qualities of the area in which the development is proposed.

The submitted plans show a new access point from the rear garden onto a path leading from Beer Road, through Ryalls Court to Marlpit Lane. There has never been an access point from the garden onto this path. The new access would lead onto publicly owned land which is not in the control of the applicant. Members wondered why this access was required now as it has not been needed in the past and were concerned that having this access would enable the building to be used for accommodation and commercial purposes with easy access to the rear garden for potential clients.

Members requested that if planning permission was granted for this application the following conditions were imposed:

1. The use of the home office/studio is restricted to a Class E ' Commercial, Business & Service Use only for use by the applicant and their partner.
2. The home office/studio is built to the highest energy efficiency rating using locally sourced sustainable materials.

### Other Representations

14 letters with objections have been received from the residents of neighbouring properties raising the following concerns:

- Inappropriate design of the dormer windows that would have a detrimental impact on the appearance and character of the area, street scene and the character of the host dwelling
- Dominant/overbearing nature of the rear dormer and outbuilding
- Overlooking and loss of privacy
- Commercial use of the outbuilding would require an application for change of use
- Potential use of the flat and outbuilding as a holiday let
- Increased footfall, traffic and noise
- Nuisance arising from construction activities
- No off-street parking which would cause an obstruction to the highway and pedestrian safety due to potential vehicles parked on the road

## **PLANNING HISTORY**

There is no recent planning history on the site.

## **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)  
D1 (Design and Local Distinctiveness)  
EN14 (Control of Pollution)

## **Site Location and Description**

Flat 2, 36 Beer Road is the first floor flat located within the Built-up Area Boundary of Seaton to the west of the town centre. The ribbon of residential development along Beer Road has a high density character with a variety of detached, semi-detached and terraced houses of various design, appearance and size.

The northern boundary of the town Conservation Area runs along Beer Road at the front of the house, otherwise there are no other specific designations.

## **Proposed Development**

Planning permission is sought for the construction of a dormer window to the rear, the installation of a rooflight to the front to allow for a loft conversion and the erection of an outbuilding in the garden, ancillary to the host dwelling to provide the 2 No. home offices and a play room.

## **Procedural Matters**

During the course of the application amended plans were received which removed the front dormer window and replaced it with a rooflight. The rear dormer window was also amended to remove the Juliet balcony and was also reduced in size. A small rooflight was added to the rear elevation. These amended plans, received on the 30<sup>th</sup> of June, shall be the basis of the following analysis.

## **Analysis**

The main issues for consideration are: the principle of development, the impact of the proposal upon the appearance and character of the area and street scene, and the impact upon the amenity of neighbours.

During the course of the application, objections were received from the Town Council, a Ward Member and the residents of the surrounding area, raising the following concerns:

- Inappropriate design of the dormer windows that would have a detrimental impact on the appearance and character of the area, street scene and the character of the host dwelling
- Dominant/overbearing nature of the rear dormer and outbuilding
- Overlooking and loss of privacy
- Commercial use of the outbuilding would require an application for change of use
- Potential use of the flat and outbuilding as a holiday let
- Increased footfall, traffic and noise
- Nuisance arising from construction activities
- No off-street parking which would cause an obstruction to the highway and pedestrian safety due to potential vehicles parked on the road

### **Principle of Development**

Flat 2, 36 Beer Road is a residential property located within the Built-up Area Boundary in a very close proximity to the town centre of Seaton where the principle of residential development is acceptable under Strategy 6 (Development within Built-Up Area Boundary) of the East Devon Local Plan (2013-2031).

Policy D1 (Design and Local Distinctiveness) also applies criteria of a generic nature in the control of development and, in particular, requires that development respects the area's key characteristics and special qualities and exhibits scale, massing, fenestration and materials that relate well to their context. In terms of protecting residential amenity, Policy D1 requires that development does not adversely affect the amenity of occupiers of adjoining properties.

The proposal is for alterations to the existing residential property and would provide the family with much needed living and working space and, given that flat roof dormer windows already exist within Beer Road, it is considered that the principle of development has been established and is acceptable.

In light of continued negotiations with regard to the design, scale and the number of proposed roof dormers necessary to facilitate the conversion of the loft space, the applicant has removed the front dormer window from the proposal and replaced it with the rooflight, and the rear dormer window has also been significantly reduced in size. The design, scale and proposed use of the outbuilding remains unchanged.

### **Impact on Character and Appearance of the Area**

The proposed dormer window and outbuilding are situated to the rear where they are mainly obscured from views in the street scene from the Beer Road frontage. Whilst

both, the dormer and outbuilding, would be visible from the public footpath, the visual impact would be minimal due to the fence and the existing trees along the boundary. It is also regarded that the visual impact that the dormer window would have is lessened by its modest scale, sensitive design and use of matching materials.

The proposed rooflight to the front of the property has been designed to match the style of the existing windows and those of surrounding dwellings. It is therefore regarded that the impact on the street scene and character of the area would be negligible.

Whilst it is noted that the footprint of the proposed studio covers a significant area of the garden, there is a reasonable amount of outdoor amenity space remaining and would not be overdevelopment of the site.

In the light of the above, it is considered that the proposal would not be an incongruous addition such that it is out of character with the area and that permission could not be withheld on grounds of negative impact on the character and appearance of the area and street scene.

### **Residential amenity**

A number of amenity issues have been raised during the consultation period of the application.

#### Privacy

The proposed rear dormer is modest in scale and size and, given that there are already windows at first floor level on the north elevation overlooking the neighbouring outdoor amenity space, the proposal is not considered to result in a significant increase in loss of privacy to any neighbouring properties.

Whilst it is noted that there would be potentially some level of overlooking from the proposed rooflight to the front of the property, Beer Road is characterised by a variety of houses, including a three storey terrace with dormer windows overlooking the road, within a part of the town where high density accommodation resulting in inter-visibility between properties is common. Due to the above, it is viewed that the proposed rooflight would not be detrimental to the amenity of neighbouring residents.

In regards to the proposed studio, it would be single storey and screened by the surrounding fencing. Given that the proposed windows are at the ground floor level, any views to adjoining amenity areas would not cause a level of harm that could justify refusal of permission.

#### Dominant/Overbearing

The proposed dormer window is modest in scale and size and would not have an overbearing impact upon any neighbour. In regards to the proposed studio, it is approximately 2 metres from the western neighbouring boundary and 6 metres from the eastern neighbouring boundary. It would have a height to eaves of 2 metres and a total height of 3 metres.

Due to the distance to the neighbouring boundary and the modest proposed height, it is considered that the outbuilding would not have any overbearing effect upon the neighbours.

### **Proposed use of the studio**

In regards to the potential use of the studio as a holiday let or commercial unit, the application seeks permission for the erection of the outbuilding with basic facilities to be used as an office and recreational space as a part of everyday domestic use. It would therefore have a dependency on the host dwelling. It should be noted that the applicants do not intend to carry out a business enterprise from the outbuilding.

A condition should be imposed to ensure that the outbuilding would be used for purposes ancillary to the enjoyment of the host dwelling as such, and not used as a holiday let and no trade or commercial enterprise shall be carried out from the building.

In the light of the above, it is not viewed that the proposed use of the studio would create distorted noise and disturbance to the neighbouring area.

### **Construction Impacts**

Whilst the concerns raised in regards to the potential noise and implications that may arise from construction and operational activities and hours are noted, attention is drawn to the Council's adopted Code of Practice for the Control of Construction Site Nuisance that requires all those carrying out building works irrespective of size to minimise environmental disturbance to local residents covering areas such as hours of work, general operations, noise and dust and ancillary activities such as access for construction vehicles.

The Code of Practice is available on the EDDC website and details the measures that the Council expects all works on the construction site to comply with to avoid nuisance to local residents. It is therefore advised that the applicant ensures that all contractors on site are provided with a copy of such document and requested to comply with. Failure to comply with the code may lead to action under the Environmental Protection Act 1990 or the Control of Pollution Act 1974.

### **Rear access**

With respect to the concerns raised by the local residents regarding the rear access, the applicant has provided an amended plan showing that there is currently no gate at the rear of the garden. However, it is part of the proposal to install a new gate to the rear, as shown on the proposed site plan.

Whilst comments of concern regarding the impact of the proposed gate on trees and the users of the public path are acknowledged, the installation of the gate does not require any excavation work and the height of the gate would be in line with the existing fence. It is also noted that the neighbouring property benefits from the direct

access from the garden to the same path and therefore the precedence appears to be already established in the area.

Due to the above, it is not considered that the proposed gate would have any negative impact on the surrounding trees nor would there be a detrimental impact on the users of the path.

Additionally, it should be noted that the erection of the rear gate is permitted development under Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### **Impact on Biodiversity**

Some comments have been received noting that bats are common in the area and raising concerns regarding the impact of the proposal on bats and wildlife. These comments have been noted however there is nothing to suggest that the development would impact on a bat roost or foraging routes and so it is not considered that requesting an ecology survey would be justified in this instance.

The applicant is advised to comply with Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2001 to ensure that should there be any protected species on site no deliberate harm or disturbance would be made to their roosts or habitat, and appropriate mitigation measures are put in place.

### **Impact on the Highway**

It is noted that the dwelling does not benefit from allocated off-street parking, however, given that the property is already in residential use and the application would not result in an increase in the number of residents, or commercial activities and visitors, it is not considered that the proposal would generate a significant increase in associated traffic on the highway network nearby or that any issues are likely to arise in relation to highway safety.

In regards to the access to the property via a right of way from Beer Road, the applicant has included the access path within the red line site boundary for the application and has completed Certificate B along with indicating that notice has been served to party's with an interest in the land.

An objection has been received stating that there is no right of vehicular access or parking provision however, given that the applicant is not proposing any new parking space for the flat, and that the dwelling is located in a sustainable location where there is an access to public car parks and very good transport links, it is not regarded that the permission could be withheld on these grounds.

### **CONCLUSION**

On the basis of the amended plans the proposal is deemed to comply with Strategy 6 (Development within Built-Up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan (2013-2031). As such, a recommendation for approval is made.

## **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. The outbuilding hereby permitted shall be used only in conjunction with, and ancillary to, the use of Flat 2, Stanmore, 36 Beer Road, Seaton, EX12 2PG as a single dwelling and shall not be used as a separate dwelling or for any commercial or industrial purpose.  
(Reason - The building is unsuitable for independent residential occupation due to its relationship with adjacent dwellings and a commercial use could cause undue noise to adjoining occupiers in accordance with the requirements of Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan)

## NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

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.

Informative:

Wildlife - Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the tree(s) should be undertaken prior to the commencement of works to

determine if any bats or birds reside in the tree(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk). Further advice on bats is available from The Bat Conservation Trust (0845 1300 228).

Plans relating to this application:

JD/EDDC/P4 A	Combined Plans	30.06.21
JD/EDDC/P2 C	Proposed Plans	30.06.21
	Combined Plans	30.06.21
JD/EDDC/P3 B	Combined Plans	30.06.21
	Location Plan	26.04.21

List of Background Papers

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