

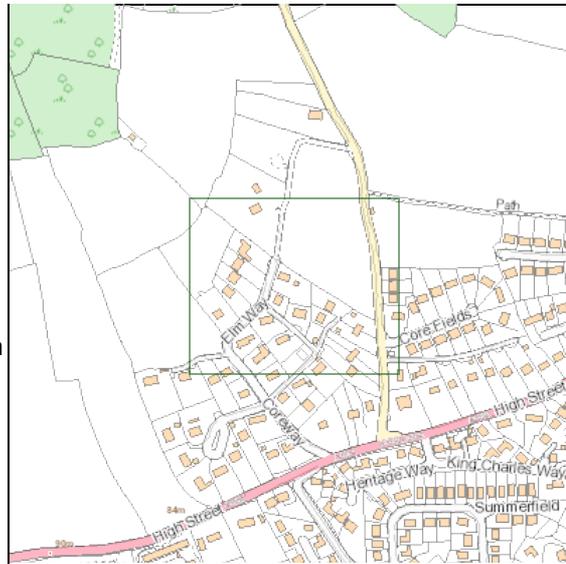
Ward Sidmouth Sidford

Reference 21/1966/FUL

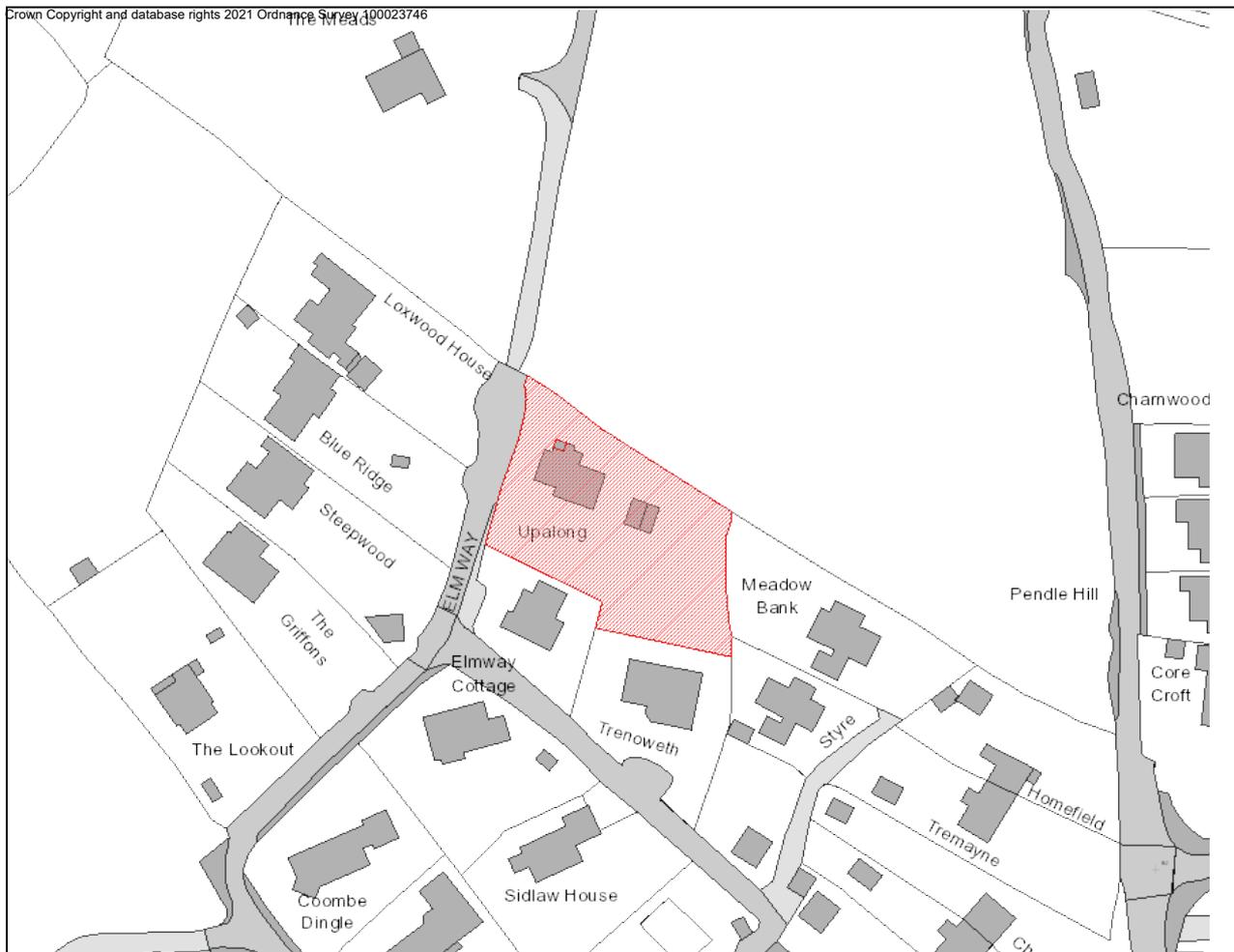
Applicant Dr E Morris

Location Upalong Elm Way Sidford Sidmouth
EX10 9SY

Proposal Demolish existing dwelling and
erection of new dwelling



RECOMMENDATION: Approval with conditions



		Committee Date: 24.11.2021	
Sidmouth Sidford (Sidmouth)	21/1966/FUL	Target Date:	27.09.2021
Applicant:	Dr E Morris		
Location:	Upalong Elm Way Sidford		
Proposal:	Demolish existing dwelling and erection of new dwelling		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Committee as the officer recommendation differs from the view of a ward member.

The proposal relates to the demolition of a detached bungalow, occupying a large plot within a lower density residential area adjacent to the end of Elm Way, a cul de sac on the edge of the built-up area of Sidmouth, and its replacement with a four bedroom two storey dwelling with attached single garage. The former would occupy much the same footprint area, albeit slightly extending this to the south.

The dwelling would be largely regular, almost square, on plan and of gabled form with a mix of render and vertical timber boarding external wall finishes under a concrete tiled roof.

Existing vehicular access arrangements would be retained.

The objections raised by the town council and ward member in relation to the design of the dwelling are acknowledged. However, the site is located in an area that is not the subject of any designations or other material constraints and which is characterised by a mix of dwelling forms, styles and designs, none of which are considered to be of particular aesthetic or design merit. Indeed, the attractiveness of the area is thought to be more strongly derived from its lower density layout with significant gaps between buildings occupied mainly by mature trees, hedges and shrubs. In this context, it is not agreed that the design and appearance of the development would detract from the area's character or appearance that objection on such grounds could reasonably be justified.

Moreover, it would enjoy a comfortable spatial position within the plot in relation to its boundaries and the neighbouring property, Elmway Cottage, as well, in spite of its greater height, as avoiding any harm to the character and appearance of the street scene. Its position at the end of the cul de sac and the background presence

of an established, mostly evergreen row of trees along the northern boundary of the site would assist in ensuring that the development provides a logical 'visual stop' in the key views from Elm Way from the west upon approach.

Equally, while it is accepted that a two storey form of development to the site would introduce a measure of additional overlooking to the neighbouring and nearby gardens of Elmway Cottage and Loxbrook House respectively, notwithstanding the applicant's unwillingness to reposition the proposed first floor level window in the north west elevation of the scheme it is not thought that the level of impact upon the privacy and amenities of the occupiers would be materially adversely affected to the extent that refusal of the application on these grounds could be strongly defended in the event of an appeal being lodged.

The separation distance involved, in terms of the relationship between the development and Loxbrook House itself, is considered to be sufficient to make any overlooking case difficult to justify while the lengthy front garden attached to the latter, which provides the principal amenity space for the occupiers owing to the south-facing views that it provides, is considered to be already overlooked to an extent that, again, would compromise the strength of any overlooking/privacy argument. Furthermore, the existing closer presence of windows in Upalong that provide an outlook towards and over part of the garden of Elmway Cottage must be regarded as a factor in the consideration of the scheme which, whilst introducing further first floor level windows, would not materially add to this impact in a manner that would result in materially greater adverse impact to the level that refusal on overlooking grounds could be sustained.

Approval is therefore recommended subject to conditions relating to the submission of details of materials/finishes and intended floor levels for approval and compliance with the measures for mitigation of the impacts of the development upon protected species set out in the ecological report provided with the application.

CONSULTATIONS

Local Consultations

Parish/Town Council

UNABLE TO SUPPORT

The proposed development was uninspiring and of poor design.

Sidmouth Sidford - Cllr Marianne Rixson

This application should be REFUSED

- 1). The town council planning committee was unable to support this application due to its uninspiring and poor design.
- 2). The neighbours at Loxwood House have lodged an objection and are understandably concerned because of the direct impact this application will have in terms of overlooking. Demolition of the existing bungalow and replacing it with a house will result in loss of both privacy and the peaceful enjoyment of their property.

Technical Consultations

None.

Other Representations

One representation of objection has been received.

Summary of Grounds of Objection

1. Overlooking from bedroom window in front elevation directly into entire living area, balcony, kitchen, bedroom and garden.
2. The room, although described as a bedroom, could be used more intensively for any purposes, such as an office or sitting room, thereby increasing overlooking.
3. The proposed design is disappointing and unimaginative, considering the plot.
4. Loxwood House is the only property which has not been shown on the site and location plan drawing, which is an unfortunate omission given that Blue Ridge and Elm Way Cottage are clearly shown.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

Made Sid Valley Neighbourhood Plan 2018-2032 Policies

1 (Sid Valley Development Principles)

6 (Infill Development, Extensions and Trees)

7 (Local Distinctiveness)

9 (Residential Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Site Location and Description

Upalong is a detached bungalow that occupies a plot approximately 0.16 hectares in area on the northern edge of the built-up area of Sidmouth. It is located adjacent to the end of Elm Way, a residential cul de sac on the lower slope of Core Hill.

The northern boundary of the curtilage of the property is contiguous with both the Built-up Area Boundary (BuAB) of the town, as defined in the adopted Local Plan, and the boundary of the designated East Devon Area of Outstanding Natural Beauty (AONB). However, neither the site itself nor the surrounding area within the BuAB are the subject of any designations or other material constraints.

The property itself is positioned within the western portion of the curtilage and slightly elevated above the garden which falls away to both the south and east. It has a principal southerly aspect towards the neighbouring residential property, Elmway Cottage. Its core is of gabled form with a mix of subservient projecting gabled, lean to and flat-roofed elements extending off it to the front and rear beneath a shallow pitched roof. External wall and roof finishes comprise painted render and tiles.

Vehicular access is positioned off of a turning head at the end of the cul de sac, the level of which is above the floor level of the property, with a driveway extending along the inside of a fence and adjacent line of tall trees behind it that together define the northern boundary of the site. This serves a detached single garage of prefabricated construction positioned to the east of the principal dwelling.

The surrounding area mainly comprises low density development consisting of a mix of detached bungalows, chalet style dwellings and two storey houses, mostly set within sizeable plots, with the presence of considerable numbers of trees, hedges and shrubs contributing towards its visual appeal.

Detached properties on the opposite side of Elm Way to the west occupy the more elevated western ends of plots of more linear configuration that fall towards their respective road frontages. Elm Way itself exhibits an informal character to which the absence of any footways contributes.

Proposed Development

The application proposal involves the demolition of the existing bungalow and the construction in its place of a four bedroom two storey dwelling with a single garage, connected to it via a covered way, to the west. The existing detached single garage would also be demolished.

The submitted details show that the proposed dwelling would occupy much of the footprint area of the present bungalow, albeit extending to its south. Essentially square on plan with a front porch occupying the recessed half of the principal, road facing elevation, which would be split in depth, it would be of gabled form with a shallow pitched roof, incorporating a ridge height of 7.4 metres, oriented 'end on' to the highway.

The single garage, which would occupy a slightly more raised ground level in relation to the main dwelling, would be designed with a shallow hipped roof oriented parallel to the adjacent road frontage boundary of the site.

External wall and roof finishes would comprise a mix of render and vertical timber boarding under a concrete tile roof.

ANALYSIS

The main issues for consideration are the principle of development, design and visual impact and impact upon the amenity of surrounding residents.

Principle

The principle of replacement of the existing bungalow on a 'one for one' basis is not considered to be in question in this case given support afforded by Local Plan Policy H6, and more especially given its poor condition and the absence of any architectural or visual merit.

Design and visual impact

Whilst it is agreed that the overall form and appearance of the proposed replacement dwelling would lack any real design interest or innovation, it is not considered that it would actively detract from the character or appearance of the street scene or wider area as to justify opposing the scheme on such grounds.

The area, which - as already stated - is not the subject of any designations or other material constraints that might otherwise support justification for a more 'bespoke' solution that responds to a distinctive built character, is defined by a mix of dwelling forms that neither individually nor cumulatively exhibit any great design distinction. Indeed, it is considered that the overall character of the area is defined by its low density character with the spaces between buildings largely defined by mature gardens with established hedges, shrubs and trees that help to provide a softer 'green' character to this edge of town location.

As such, it is considered that the siting and footprint area of the proposed replacement dwelling would be largely sympathetic to this established character. On both counts, it would be similar to the present bungalow and therefore, given the generous size and agreeable configuration of the plot, would sit comfortably within it.

The two storey height of the development would clearly exceed that of the existing building and, as such, appear more visually prominent in views of the site that are available upon approach to it from the south. However, subject to the agreement of details of final site and floor levels, it is not thought that this would be in a manner that would appear unduly physically or visually dominating within the wider street scene to the extent that objection on such grounds could reasonably be supported.

Indeed, the background presence of the established, and largely evergreen, trees along the northern site boundary in these views creates a visual stop within the street scene against which the development would be viewed. Despite its likely more visually assertive impact upon it relative to that of the present bungalow, it would not therefore materially detract from the wider character of Elm Way.

Impact upon amenity of neighbours

Turning to the impact of the proposed development upon the living conditions of the occupiers of neighbouring and nearby properties, the objections raised by the occupiers of Loxbrook House, on the opposite side of Elm Way to the north west, are duly noted, as is the support for them expressed by the ward member.

These are principally concerning a window that is proposed to serve one of the bedrooms, in the north west elevation, that would afford an outlook towards this property and its front garden area. Despite officer attempts to negotiate the repositioning of this window in the return north eastern elevation, the applicant is unwilling to agree to this.

The present situation is that the only window in the same elevation of the existing bungalow is largely obscured from view from both the garden and the first floor level of Loxwood House itself, which houses the main living spaces, by a fence on the road frontage boundary of that property, which is itself backed by shrubs. Aside from this, the property is not overlooked by any other window in either Upalong or any other neighbouring or nearby property.

The concern expressed by the occupiers and the ward member is that the introduction of the proposed first floor level bedroom window would result in an unacceptable level of overlooking of the front garden and first floor living spaces of Loxbrook House with consequential harm upon the existing levels of privacy and amenity that are enjoyed.

However, notwithstanding the applicant's unwillingness to reposition it, whilst there is little doubt that the window in question would be visible from Loxbrook House and its garden, there are thought to be mitigating factors that would weigh against a sustainable objection being raised to the proposal on privacy impact grounds.

In essence, there would exist considerable separation distance, around 50 metres, between Loxbrook House itself and the position of the window, given (i) that the main dwelling would be set further into the site - to the south east - from the roadside boundary than the present bungalow, and (ii) the intervening presence of Elm Way itself.

It is thought that this level of separation would make any objection on overlooking almost impossible to support in the event of an appeal.

Equally, whilst acknowledging that it is likely to represent the main amenity space for the occupiers owing to its extensive south-facing views over the town towards Salcombe Hill and the sea, as opposed to the rather more limited rear garden area to its north west, the generous depth and overall area of the front garden of Loxbrook House, coupled with the extent to which it is considered to be already open to view from the road as well as from the neighbouring property to its south, Blue Ridge, which occupies an equally elevated position as Loxbrook House, is such that, again, it is thought that an overlooking/privacy objection would be very hard to justify.

In combination, therefore, it is felt that these factors would weigh against any sustainable objection on the grounds of the detrimental impact upon the living conditions of the occupiers of Loxbrook House.

Indeed, the development would, arguably, give rise to a more significant overlooking impact upon the immediate neighbouring property to the south of Upalong, namely Elmway Cottage, from two proposed first floor level bedroom windows in its south west elevation. The spatial relationship between the development and this property would be altogether closer, without the intervening presence of the road to provide a measure of mitigation as to the likely level of impact.

However, owing to its floor level being raised above that of Elmway Cottage, three windows in the south-facing elevation of the existing bungalow on the application site already afford an outlook towards that property and its garden. Although the two additional first floor level windows that would be introduced would be likely to add to this, it would be offset to a degree by two of the existing windows, in effect, being replaced by a covered terrace area with glazed doors to a large combined kitchen/lounge/dining space within the proposed development that would be similar to the existing arrangement.

It is not considered therefore that the overall level of overlooking of the rear garden of Elmway Cottage would be materially intensified to the extent that objection on the grounds of any detrimental impact upon the privacy of the neighbouring occupiers could reasonably be supported. Indeed, in much the same way as the likely effect upon the occupiers of Loxbrook House, whilst there would be some additional privacy impact it is not felt in either case that it would amount to significant harm to warrant objection on such grounds.

Other matters

The submission includes an ecological appraisal report relating to the existing bungalow, the principal conclusions of which are that there is no evidence of bat roosts or nesting birds identified within it. However, it is felt that it offers moderate and low potential to support roosting bats and birds, during future nesting seasons, respectively. It therefore sets out recommendations for measures to enhance the ecological/biodiversity value of the site in the form of minimal downward-angled and short duration motion-timed external lighting, checks for nesting birds during the nesting season, the night-time covering over of any exposed construction trenches and integrated/externally mounted bat and bird boxes on the development itself.

These material issues aside, there are no other concerns regarding the proposal.

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. Before any development commences, details of final finished floor levels and finished ground levels in relation to a fixed datum 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 adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)

5. The development hereby permitted shall be carried out in full accordance with the measures for the mitigation of impacts upon protected species set out in the ecological appraisal report (ref.: 02/004/001/01_Ecological Appraisal) dated 14th June 2021 prepared by HalpinRobbins Ltd.
(Reason - In the interests of maintaining the biodiversity value of the site in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

127/04	Proposed Floor Plans	19.07.21
127/03	Proposed Floor Plans	19.07.21
127/05	Proposed Elevation	19.07.21
127/07	Proposed Combined Plans	19.07.21

127/02	Proposed Site Plan	19.07.21
	Location Plan	19.07.21

List of Background Papers

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