

**Ward** Beer And Branscombe

**Reference** 20/2427/FUL

**Applicant** Mr Ian Styles

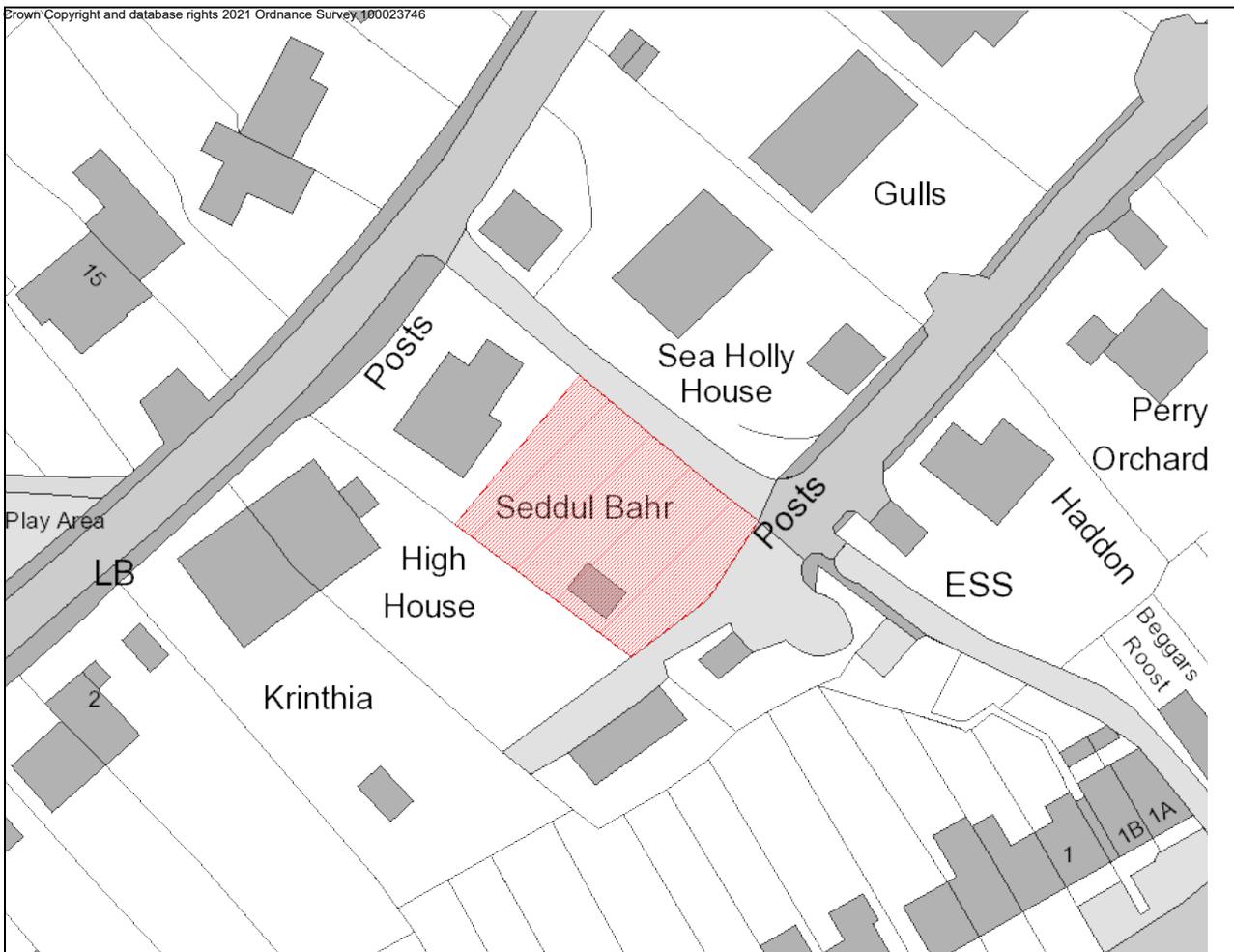
**Location** Seddul Bahr Barline Beer Seaton  
EX12 3LS

**Proposal** New three bedroom dwelling.



**RECOMMENDATION: Refusal**

Crown Copyright and database rights 2021 Ordnance Survey 100023746



		<b>Committee Date: 24.11.2021</b>
<b>Beer And Branscombe (Beer)</b>	<b>20/2427/FUL</b>	<b>Target Date: 30.12.2020</b>
<b>Applicant:</b>	<b>Mr Ian Styles</b>	
<b>Location:</b>	<b>Seddul Bahr Barline</b>	
<b>Proposal:</b>	<b>New three bedroom dwelling.</b>	

**RECOMMENDATION: Refusal**

### **EXECUTIVE SUMMARY**

**The application is before Members as the officer recommendation differs from the view of the Ward Member.**

**The site was subject of a recent application for a single dwelling of similar design. This was refused due to concerns over the proposal being out of character with the area and the general pattern of development in the area, the site being adjacent to a public footpath and on a road with no similar dwellings at the back edge in such prominent positions.**

**The current application has revised some details of the scheme, most notably its design and the materials proposed. Whilst the materials are now considered appropriate in their context, the other negative aspects of the design remain (in relation to the roof form, position of the dwelling and its form), which are of sufficient concern and again lead to the conclusion that the proposal is out of character and harmful to the amenity of the area such that the application is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

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

The Committee objected to the application due to the potential detrimental impact on the street scene. The Committee felt that the proposed design would not blend with the local design vernacular. The Committee also expressed concerns about the proposed roof structure and the proposed use of metal as the design material for the roof.

The Committee also highlighted concerns regarding the proposed development's close proximity to the road.

#### Beer And Branscombe - Cllr Geoff Pook

As a member of Beer PC planning committee I have had the opportunity to assess this application and hear other committee members thoughts. In summary I don't think either the committee or I as ward member were concerned about the principle of development. The primary concern of the committee was of the impact the distinctive design and materials used would have on the street scene. Whilst i hear the various opinions on this I do not consider the design would have a significant negative impact, but accept design is subjective and personal. Whilst I am happy with the design if there are aspects that could be amended to make it less striking and more acceptable to others, without losing its innovative appearances I would be happy to support. With regard to other issues the proposal is of appropriate scale for the site and I do not believe will have any other impact on adjoining properties. I note other public comments relating to access, my understanding from the plans is that the land in front is in the ownership of the applicant. It is not clear whether the access over the land is a public right or just informally permitted by the applicant. The proposal does not appear to impact on the current use however it may be useful to ensure through condition that any access rights are preserved during construction and on completion. I support the application.

Further comments:

I originally supported this application and acknowledging the PC opposition I still am supporting. Reading through the report the objections are I feel mainly subjective and in principle the building would not cause undue harm. Furthermore the style of residential building in Barline is changing, as evidenced by other approvals in the area.

On this basis I would like the application to go to committee.

#### **Technical Consultations**

##### DC Footpath Officer

We note that the application recognises the existence of FP8. We would like more detail on how the application is likely to impact the footpath.

As we require more details on this we would like to make a holding objection until more information is provided.

##### EDDC Trees

Existing trees on the site are protected by Tree Preservation Order and will be a consideration in this application. TPO: 83/005/TPO which protects 1 Walnut tree in particular but other trees nearby are protected by the same order.

##### Other Representations

4 letters of objection –

- Dwelling would be shoe-horned in the garden and would be out of character in scale and design, and not line with surrounding properties.

- Would be seriously out of place and intrusive in this location & would jarringly spoil the appearance of that area.
- Could be ok elsewhere but not on the site in question.
- Total lack of sympathy and consideration with its surround landscape as well as the surrounding existing properties and the host dwelling.
- Completely out of character.
- Likelihood is that instead of one well-balanced, attractive and desirable property it will result in two unsightly, out of character and un-desirable properties. Site simply too small to sustain further development whilst retaining local distinctiveness.
- Architects have ignored the reasoning for the previous application. The DAS refers to 3 other sites nearby that have consent but none of them are comparable. On the contrary in 15/1719/FUL (6 doors away on the same side of the road) the Inspector stated *“Taken as a whole the proposal would appear squeezed into an excessively confined plot, detrimental to the existing pattern of nearby properties, and incongruous in respect of the character of surrounding dwellings. I conclude, therefore, that the proposal would fail to respect the character and appearance of the area and conflict with the relevant provisions of Local Plan policy D1 and relevant elements of the framework, as noted above.”*
- Out of keeping with its large glass areas.
- Will be used a second home/holiday let. There are too many already in the village which will see it dead in the winter like Salcombe.
- Concerned over shared access to neighbouring property during construction which involves a huge amount of excavation.

## **POLICIES**

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

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

Strategy 27 (Development at the Small Towns and Larger Villages)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

### Neighbourhood Plans

Beer (Made) - Policy HBE2 – High Quality Design

Beer Village Design Statement 2006

EDDC Trees & Development April 2005

National Guidance

National Design Guidance

## **PLANNING HISTORY**

Application 20/0230/FUL for the Erection of detached 3 bedroom house was refused on the 30.04.20 for the following reason:

*The proposed dwelling, by reason of its position, size, scale and prominence results in a development which would be out of character with the general pattern of development which typically features subordinate structures in the gardens of existing dwellings. The resultant discordant character and appearance can be seen from immediate receptors in the public realm and as such the harm which would result is given great weight. Further, the pallet of materials has little contextual relevance meaning that this contributes to this identified harm. As a result the proposal conflicts with policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan, the Beer Neighbourhood Plan and guidance contained within the National Design Guidance and the National Planning Policy Framework.*

## **Site Location and Description**

The site sits on a hillside within the Built-Up Area Boundary for Beer. It is off Barline, a fairly narrow road characterised by large dwellings in large plots set back from the road. Only garages abut the road close to the application site.

The site is set down considerable from Seddul Bar, the parent property which is itself a detached dwelling in a large plot.

The site is adjoined by the private access road to the south-east, neighbouring property to the south-west, Seddul Bar to the north-west and by a public footpath with dwellings beyond to the north-east.

## **Proposed Development**

The proposal seeks planning consent for the creation of a detached three bedroom dwelling. The proposed dwelling would be to the rear of the existing property known as 'Seddul Bahr' within the garden area. It should be noted that the rear garden has a steep gradient as the land falls to the south. This is reflected in the submitted elevations which show the original dwelling of Seddul Bahr at a much higher level. The rear garden can be seen from the highway from the south and also a public footpath to the east. From these same vantage points other rear gardens can be seen and the general pattern of development is that smaller, subservient, garages are positioned to the rear of these plots.

The overall design is similar to the previous application, with some alterations to the appearance of the dwelling, parking/garage area and a set of different materials proposed.

The proposal seeks a two storey building with a contemporary design with a distinctive roof.

## **ANALYSIS**

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

### **Principle**

Local Plan (LP) Strategy 27 lists Beer as one of the settlements for which a built up area boundary will be defined, this has subsequently occurred through the adoption of the East Devon Villages Plan. The site lies within that built up area boundary and in accordance with Strategy 6 of the Local Plan, the principle of development is accepted at this location subject to a number of criteria being met. The development is therefore acceptable in principle at this location.

### **Visual Impact**

Alongside Policy D1 of the Local Plan that seeks to ensure that development respects the existing character of an area, The Beer Neighbourhood Plan (made) established a specific policy requirements for the design of new development. This reads;

#### Policy HBE2 - High Quality Design

*To ensure that new development is sympathetic to the traditional and historic built character and landscape of the parish, development proposals will be supported where they are of high quality design, enhance visual amenity of the setting and minimise any adverse visual impact on locally valued character, and on neighbouring properties to the proposed development site.*

*To be considered as high-quality design, development proposals should meet the requirements set out in the Beer Village Design Statement. Particular attention should be paid to:*

- i) ensuring that the size, height, density, scale and location of the development is appropriate to the form, scale and setting of the surrounding built environment, respecting key characteristics such as (but not limited to) steeply pitched roofs with deep soffits and small paned windows;*
- ii) ensuring that materials and design of the development are in-keeping with the character of the surrounding built environment, with a focus on the use of local materials such as Beer stone (where available), flint and chert and resisting block walls or render;*
- iii) ensuring that it is designed in such a way as to minimise its impact on the skyline, on the visual amenity of the surrounding landscape, on views of the proposed development and on the natural environment;*

- iv) ensuring the use of traditional design in the Beer Conservation Area and preserving or enhancing the essential character of the Conservation Area; and,*
- v) ensuring the support of development which shows a high degree of sustainability.*

The NPPF states that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. The Beer NP was adopted in line with NPPF requirements and refers to the Beer Village Design Statement (BVDS) and particularly so in policy HBE2.

The lower external walls are now proposed to be constructed in Beer Stone in order to make the proposal more sympathetic within the locality while the upper floors would be rendered. This would accord with policy HBE2 and the BVDS. The roof would be constructed of a standing seam metal roof, although the material has changed from a grey colour to a brown/dull copper standing seam roof. This is reported to be so that it relates to the plain brown tiles on Seddul Bahr itself. Slate is noted in the Beer NP as a traditional finish in the village. However, not only Seddul Bar but many of its neighbours seem to feature brown/red concrete/clay tiles so copper is considered appropriate so long as it is treated so it does not take on a bright green hue as can happen with copper. It is recognised however that the majority of surround properties are of a traditional design with traditional tiled roofs and as such the roof form is to an extent out of character with the immediate area.

The site is situated on a steep gradient which will require excavation in order to produce a practical terrain for the dwellinghouse. The road fronting existing house is situated at a significantly higher position relative to the application site. The proposal would result in the requirement of approximately 3.5-4.0 metres of excavation to facilitate the development. Whilst the applicant would point toward the lower ground floor being concealed below external ground levels the resulting build would never the less be viewable from the adjacent higher ground – especially the top portion with the total height of the roof being approximately 7.5 metres. Other road fronting buildings along the highway do not have such heights. The views along Barline looking west afford views of the surrounding countryside and the proposed building would somewhat jarringly intrude into these views with its roof angled up in contrast to the natural relief of the land on which it sits. The large rendered retaining wall to the rear of the site would also be out of character.

The width of the road fronting the south elevation would be approximately 8.5 metres across, and this combined with the overall height fails to repeat the size and scale of road fronting subservient buildings along this stretch of the highway. Photo renders 1&2 clearly illustrate how the proposed building, with its angled roof projecting upwards, looms somewhat over the road representing a totally different form of development to the more traditional surroundings.

The proposed plot is significantly smaller than those that define the character of the immediate area along both sides of Barline with the subsequent development appearing cramped and out of character with the more open, green and lower density character on the approach to the site.

The impact is made worse by the fact that the site sits adjacent to a public footpath making the proposed dwelling and site highly visible.

The applicant has drawn attention to other infill proposals nearby but even then concedes that these were on larger plots. These do not therefore make a suitable comparison or set a precedent for permitting this proposal.

In conclusion the position, size and scale of the proposed dwelling is not sympathetic with its surroundings. The revised applications has done little to address this concern from the previous application. The two storey dwelling, its roof in particular, would be at odds with the slope of the land and therefore prominent within the street scene. As stated generally the character is of smaller buildings to rear gardens, subordinate to those dwellings, and this pattern of development would be broken. The dwelling is disproportionate to the size of the plot on which it sits giving it a very cramped appearance which is also at odds with the spaciouly laid out surrounding development. The buildings itself, whilst lacking legibility, is of an acceptable design overall and the change in materials would assist in giving it some locally distinctiveness. However this is not sufficient to overcome the fundamental problem that, in simple terms, the development is too large for the plot and out of character with the prevailing pattern of development in the locality. This does lead to the question of whether the site is suitable or large enough for anything other than an garage/outbuilding associated with the main dwelling.

### **Amenity**

There would be a large window on the three flanks of the building. This is situated at a first floor level meaning there is potential for overlooking. The internal floor plans show these windows as belonging to a kitchen, dining/balcony area and a snug. Therefore these are habitable rooms.

The properties to the south, although at a lower level, are a sufficient distance from the proposed property not to be harmed by potential overlooking. Although there are properties to the north east/east, again these are of a suitable distance from the proposed dwelling with a public footpath running between the plots. To the south west of the application is the property known as High House, which follows a similar linear plot shape. The corner of the dwelling would feature a wraparound window at first floor level belonging to a snug. However, views from this windows would only overlook the bottom of the adjacent garden, which already publicly visible to a degree. Given this and the fact that it is the lower portion of the garden any overlooking would not be to a harmful degree.

Closer to the original dwelling there would be an upper terrace area within the garden of the proposed dwelling. However, a side wall would mitigate against some oblique overlooking.

## **Highway safety**

The site benefits from suitable vehicle access, and benefits from the adjacent footpath, whilst provided the required two off-street car parking spaces.

## **Other matters**

There is no substantive evidence that the proposal would result in the loss of habitats for protected species.

Whilst the construction phase may cause inconvenience to neighbours, this would only be temporary and could be mitigated with appropriate conditions.

The route and width of the adjacent public footpath would not be changed. Views of this route would also be maintained to a suitable level.

A throughway would still be available to adjacent property which features holiday accommodation. Given that there are existing surrounding residential developments an additional dwelling would not have a demonstrable impact on the viability of existing holiday accommodation.

Although other examples of dwellings granted permission have been provided each case must be considered on its own merits and the report above considers the development relative to its surrounds, which will invariably not be replicated elsewhere.

There are trees on the site which are protected with TPOs, primarily around the existing turning area and by the proposed construction site. The previous application was supported by a Tree Report, which is provided again, and as a result no objection is now raised given the form and location of the building is the same. Previous advice from the Tree Officer suggested the trees (RPAs and the canopies) to the south of the site should be protected from development traffic which would need to be conditioned should permission be granted.

## **Conclusion**

As with the previously refused application on the site, it is considered that the scale, design and subsequent visual impact from the proposal will be harmful to the area by reason of the design and position of the dwelling being out of character with the area. It is therefore questioned whether the development of a separate dwelling on this plot can be achieved whilst respecting the character of the area.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed dwelling, by reason of its position, size, scale and prominence results in a development which would be out of character with the general

pattern of development which typically features subordinate structures in their gardens. This discordant character and appearance can be seen from immediate receptors in the public realm and as such the harm which would result is given great weight. As a result the proposal conflicts with policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan, the Beer Neighbourhood Plan policy HBE2 (High Quality Design) and guidance contained within the National Design Guidance and the National Planning Policy Framework.

Plans relating to this application:

P-300 REV D	Proposed Elevation	04.11.20
P-200 REV E	Proposed Floor Plans	04.11.20
P-201 REV E	Proposed Floor Plans	04.11.20
E-100	Location Plan	04.11.20
P-100	Proposed Site Plan	04.11.20

List of Background Papers

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