

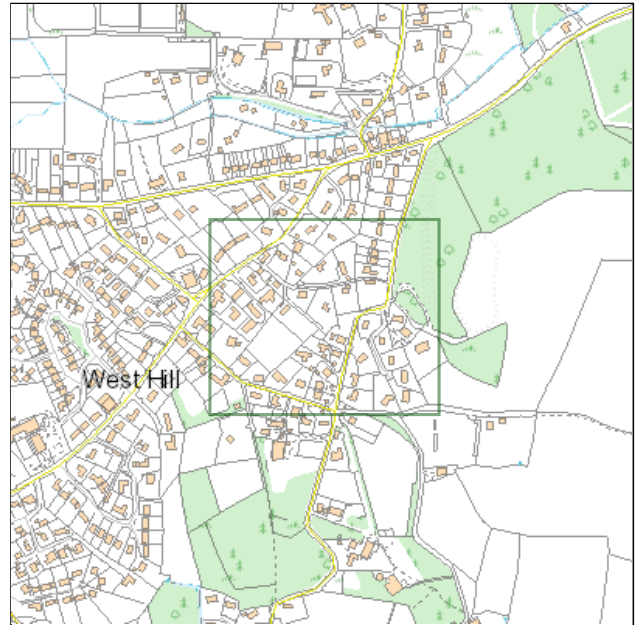
Ward West Hill And Aylesbeare

Reference 21/2989/FUL

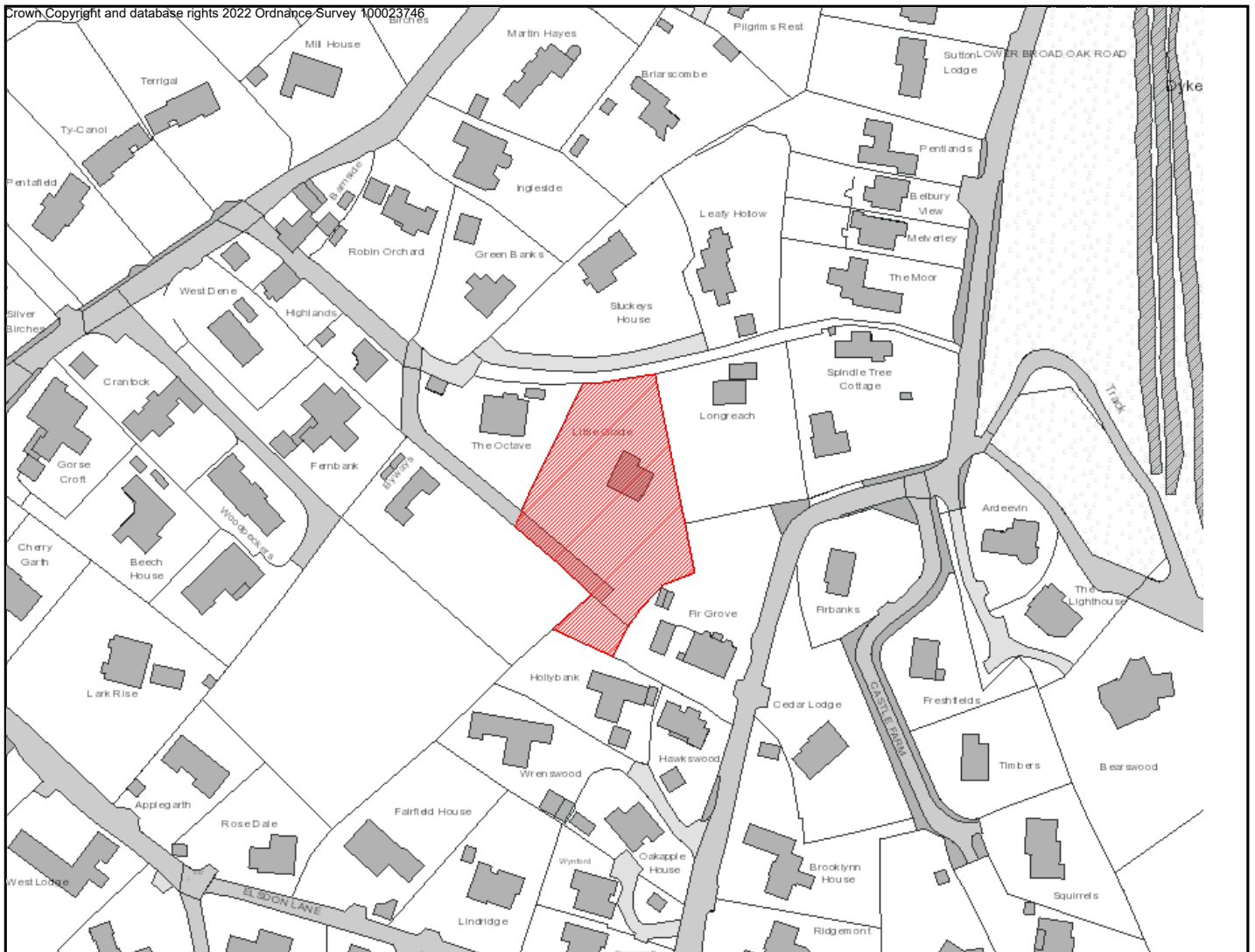
Applicant Hill

Location Little Glade West Hill Road West Hill Ottery St Mary EX11 1TU

Proposal Erection of a single replacement two-storey dwelling.



RECOMMENDATION: Approval with conditions



		Committee Date: 1th March 2022
West Hill And Aylesbeare (West Hill)	21/2989/FUL	Target Date: 10.01.2022
Applicant:	Hill	
Location:	Little Glade West Hill Road	
Proposal:	Erection of a single replacement two-storey dwelling.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Committee as the officer recommendation is contrary to the view of a Ward Member.

The application seeks planning permission for the demolition of the existing dwelling and the construction of a two storey replacement dwelling.

The site is located within the built up area boundary of West Hill as described within the Villages Plan, therefore, the principle of development is acceptable subject to a number of criterion.

The proposed replacement dwelling would be two storey and would occupy the western part of the site and extend to the existing dwelling in an 'L' shape. The design is considered to be reflective of the vernacular of the area with a modern appearance.

Although the area covered by the new dwelling is larger than the existing, there would be large amount of garden remaining, retaining the low density character of the site. It is also served by a private access and public views of the dwelling are very limited.

The location of the dwelling is closer to neighbours than the existing dwelling, in particular to the west where it is adjacent to the property known as The Octave. There are first floor windows in this elevation, however, these are proposed to be conditioned to be obscure glazed and non-opening below a height of 1.75 metres. The dwelling is not considered to result in a loss of light or have an overbearing impact.

There are a number of trees on site and a blanket Tree Preservation Order has been put on the site. To the front a new access track is proposed. The new track

is not considered to result in any damage to the roots of the existing trees and protection measures during construction have been recommended. Therefore, the proposal would not have a detrimental impact on the existing trees.

The access from the existing private lane would move, however, as there is sufficient space to manoeuvre within the hard standing area to the front of the property, vehicles can re-enter in a forward gear and therefore there would not be any concern in regards to highway safety.

An ecology survey identified bat droppings but none were sighted during an emergence survey. Mitigation and enhancement measures have been provided which would ensure that there would be no loss of habitats.

In the absence of any significant harm to the character and appearance of the area, residential amenity of the neighbouring occupied properties, trees highway safety and ecology, it is considered that, the proposed development is acceptable and would comply with both the strategic and development management policies contained within the East Devon Local Plan and the policies contained within the Ottery St Mary and West Hill Neighbourhood Plan.

Therefore a recommendation of approval is made.

CONSULTATIONS

Local Consultations

Technical Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

Although I don't have a particular issue with the principle of a new dwelling, at present I cannot support this application. My concerns are around the proximity of the west elevation to the boundary which will mean that it is 15-17 m away from the Octave. There are 5 windows in this elevation (one of which is very large at the stairwell). I don't accept the argument that this is a transitional space and therefore acceptable. In my view the proximity of the proposed new dwelling combined with the size/ number of windows will result in the the Octave being overlooked, and the perception of being overlooked to an unacceptable degree.

I agree with the tree officer that there is no need to cause harm to trees for the creation of a new entrance when there is an entrance already. Also properties should be designed to avoid felling and although it is not clear from the arb report it does seem that T2 and T7 may need to be felled. The arb report also does not provide any information on the trees in the north western grouping even though these are in close proximity to the new dwelling. It is important that a tree report details all the trees on a site and considers impact on all of them.

I therefore wish to register my objection based on the above comments.

EDDC Trees

The submitted arboricultural report shows that the proposed development can be carried out without significant impact on the existing trees. This is in part due to investigations carried out as part of a previous application at the site which showed an access route could be created through the beech hedge bank between T1 and T4/5 with minimal impact on the trees. However, the previous application was for a second dwelling at the site that would require its own access. In this instance an existing and useable access is in place and as such it is unnecessary to create a new access. I therefore do not support the proposal as it stands because of the proposed new access and its impact on existing trees, no matter how minimal.

Clarification is required in respect of paragraph 5.1.1 in the arboricultural report in relation to two semi-mature cherry trees as it is currently unclear.

Parish/Town Council

This application was considered at the West Hill Parish Council meeting on 7th December 2021.

Councillors objected to the application and recommend refusal for the following reasons

Although the site is within the BUAB for West Hill, and development is acceptable in principle, the development does not comply with Policies NP2 and NP26 of the Ottery St Mary and West Hill Neighbourhood Plan, as described below.

- o The new dwelling would be sited close to the neighbouring dwelling, The Octave resulting in loss of amenity. The proposed two storey side elevation would be overbearing and dominate the outlook from The Octave. First floor windows on the side elevation would lead to significant overlooking and loss of privacy

- o There are many trees on the plot. The proposed location for the new dwelling will potentially lead to future loss and/or pruning of the trees to the detriment of the character of the area. Cllrs regarded the plot large enough to re-site the dwelling to reduce the impact on trees.

- o Properties in this area typically have large plots, with the dwelling central on the plot, and well screened from neighbours.

- o The application includes the removal of a significant length of mature Devon bank which would alter the street-scene of this area and would change the prevailing boundary treatments in the area.

Cllrs did not support the application and recommended refusal.

Other Representations

Four letters of objection have been received. The letters object to the application on the following grounds:

- Overlooking to the Octave
- Loss of light
- Set of precedence
- Impact to trees
- Loss of privacy to Stuckeys House
- Light pollution
- Increase use of plot
- Air source heat pump noise

- Increase in traffic
- Harmful to the character of the area

PLANNING HISTORY

Reference	Description	Decision	Date
20/1857/OUT	Detached dwelling and garage (outline application with all matters reserved)	Refusal	05.03.2021

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2021)
National Planning Practice Guidance

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)
Strategy 27 (Development at the Small Towns and Larger Villages)
Strategy 47 (Nature Conservation and Geology)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
EN5 (Wildlife Habitats and Features)
TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP2: Sensitive, High Quality Design
Policy NP8: Protection of Local Wildlife Sites and Features of Ecological Value
Policy NP9: Accessible Developments
Policy NP26: West Hill Design

Site Location and Description

The site is an existing two storey detached dwelling located off a private lane which connects to West Hill Road. The site has a number of trees and is surrounded by neighbouring properties. To the north is the property known as Stuckeys House, to the west is The Octave and to the east is Longreach. To the southeast is Fir Grove and to the southwest is Byways.

The site is located within the Built up area boundary for West Hill as stipulated within the Villages Plan. There are no other planning designations.

Proposed Development

This proposal seeks planning permission for the demolition of the existing dwelling and construction of a replacement dwelling. The new dwelling would be "L" shaped

and sited primarily in the garden to the west of the current dwelling. However, it does also extend over the footprint of the existing dwelling.

Consideration and Assessment

The main issues for consideration are:

- Principle of the development
- Impact to the character and appearance of the area
- Neighbour Amenities
- Trees

Principle of Development

The site is located within the built up area boundary for West Hill. West Hill is a settlement which is considered to have the facilities to meet the everyday needs of residents and have reasonable public transport, therefore Strategy 6 applies.

Strategy 6 supports development within built up area boundaries subject to a number of criteria. The relevant points to consider are whether the development is compatible with the character of the site and its surroundings, it would support the promotion of wildlife or landscape interests and would not impair highway safety or traffic flows.

Policy D1 is also applicable. This policy is a generic policy which aims to ensure that new development is of a high quality design and has limited impact upon a number of criteria but most importantly the character of the area and residential amenity.

In addition policies NP2 and NP26 of the West Hill Neighbourhood Plan support the principle of the development.

Therefore the proposal has support from the local and neighbourhood plans, subject to contextual constraints.

Impact to Character and Appearance of the Area

The Neighbourhood Plans says of West Hill:

"The special character of the village owes much to the extensive planting of trees and shrubs both within and on the boundaries of plots; and The density of development is low with houses set within spacious plots;"

Although the tree cover and development density varies from area to area, it is accurate to say that the character of Little Glade and its immediate surroundings are accurately captured by that description. Indeed, the NP goes on to describe further characteristics of the village, all of which apply to the site and its surroundings.

Policy NP26 seeks to ensure that new development reflects the established character, density and layout of its surroundings and preserves the key features of the village, including its trees, hedgebanks, spacious gardens and individuality between properties.

The replacement dwelling would see all but two cherry tree remain and a tree protection plan has been produced to demonstrate how these can be protected during construction. As the trees will remain it would retain the verdant character of the site in compliance with Policy NP26.

The design of the dwelling is relatively traditional with gable ended pitched roofs and traditional materials, however, the overall design appears modern. The size of the proposed replacement dwelling is considered to maintain the low density characteristic of the site as large parts of the garden would remain.

The proposed replacement dwelling would not be visible from any public viewpoints owing to the access through a private lane. Due to this it would have limited impact on the wider character of the area.

Due to the above the proposed replacement dwelling is not considered to be out of character with the area and is considered to comply with Strategy 6 and Policy D1 of the East Devon Local Plan and Policies NP2 and NP 26 of the Ottery St Mary and West Hill Neighbourhood Plan.

Residential Amenity

During the consultation period objections have been received in regards to a loss of amenity due to the proposed dwelling. Comments have been made in respect to the impact of the proposed new dwelling on the amenity of the adjacent property to the west known as The Octave.

The proposed replacement dwelling is approximately 7 metres to the boundary with The Octave and has an overall height of 8.1 metres. Due to the distance to the boundary it is considered that the replacement dwelling would not be overbearing or result in a loss of light and is therefore compliant with the provisions of Policy D1.

On the western elevation, there are five windows at first floor level which directly face the garden of The Octave. Although the windows would serve the hallway, which is not a habitable room, it is considered that obscuring the windows and having them fixed shut below 1.75m above floor level would overcome the concerns of overlooking and this shall be added as a condition and this has been accepted by the applicant. The proposed replacement dwelling is therefore not considered to result in a loss of privacy to an extent that could justify refusal of planning permission.

Comments from another neighbour have suggested that the rooflights on the northern elevation would result in a loss of privacy however they are high level rooflights where views would not be readily available over adjoining land. Therefore there would be no loss of privacy.

In regards to comments about light spill, the dwelling is not considered to result in a significantly increased amount of light spill that could justify refusal of planning permission.

Additionally the use of an air source heat pump is not considered to result in a residential amenity issue due to the distances between the dwellings.

Due to the above, and subject to an appropriate condition, the proposal is not considered to result in a loss of neighbour amenity and is compliant with Policy D1 of the East Devon Local Plan.

Trees

There are mature trees at the front of the site, including oak and beech specimens, and a woodland area at the rear. In addition there are large volumes of ornamental shrubs and a mass of rhododendron extending out from the woodland. The shrubs and rhododendron offer no amenity value beyond the site and are in need of management. As such they are not considered to represent a constraint to development, however, a blanket TPO has been placed upon the site in regards to the trees.

The trees have all been surveyed and classified and a constraints plan has been drawn up, there are 12 trees on site of differing species, most of which are mature. Of the seven trees at the front of the site five are categorised as category B trees which have the greatest potential and contribute the most to landscape amenity. At the rear of the site, all of the woodland is proposed to be retained, other than cutting back of the rhododendron to the woodland edge.

The previous application found that, through airspade investigations, that cutting an access through the hedge involving minor incursions into the notional root protection areas of the adjacent trees would not in actuality result in any severance of significant roots. Therefore, subject to appropriate design and methods of working, an access can be provided through the front boundary of the site without adversely affecting the health or longevity of the retained trees. This is supported through the comments of the Tree Officer, although overall these comments object that the access is unnecessary.

The tree officer also comments that clarity is needed for a section of the arboricultural report in regards to two cherry trees. The report does not clearly state that they will be removed in the section quoted however, they are shown as being removed from the tree protection plan. As these are Class C fruit trees and it is not considered that their removal would have a negative impact upon the character of the area and suitable replacements can be obtained through a landscaping condition.

Having regard to the importance and contribution trees make to the overall character of West Hill, including these trees within the application site, it is essential that a harmonious relationship between existing trees and new development is achieved. It is considered that as the mature trees will remain as existing there would not be any conflict with Policy D3 of the East Devon Local Plan.

Access

It is proposed to have a new access to the replacement dwelling off the existing private access track. The lane is single track and difficult to manoeuvre. The proposal would

have sufficient space within the hardstanding area to the front of the dwelling to turn and re-enter the private lane in a forward gear. The dwelling would also have sufficient space for two or more cars.

Therefore the application is considered to comply with Policies TC2, TC7 and TC9 of the East Devon Local plan.

Ecology

A bat and protected species survey identified pipistrelle bat droppings however, none were identified in the emergence survey. Therefore mitigation measures have been suggested to ensure that roosts are provided during construction and once built. Further enhancements have been suggested and these shall be conditioned so that the application meets the criteria of Policy EN5 of the East Devon Local Plan and Policy NP8 of the Ottery and West Hill Neighbourhood Plan.

CONCLUSION

The concern of the neighbour have been noted but the relationships between the properties are considered to be acceptable given the distance to the boundary, and top The Octave, and subject to conditions ensuring that the hall windows facing this property are obscure glazed and fixed shut to prevent overlooking.

Subject to this condition, and given that the principle of development is acceptable and all other matters in relation to trees, access and ecology have been adequately addressed, a recommendation of 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. Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the Arboricultural Report and method statement submitted by Doug Pratt Tree Consultancy dated the 1 November 2021 and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in 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 D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

4. All the windows shown on the west elevation at first floor level on the plans hereby permitted shall be fitted with obscure glazing before the new first floor accommodation is brought into use and shall be permanently fixed as non-openable below a minimum height of 1.75 metres above the level of the floor. The obscure glazing and opening limitations required by this condition shall be retained thereafter.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C or D for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken. (Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

6. 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.)

7. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping 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 East Devon Local Plan 2013-2031.)

8. The development shall be carried out in accordance with the recommendations and mitigation measures contained within the Bat and Protected Species Survey carried out by Ecologic dated October 2021.
(Reason - In the interests of ecology in accordance with Policy EN5 (Wildlife Habitats and Features) 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.

Plans relating to this application:

511.1.104	Proposed Combined Plans	15.11.21
511.1.106A	Proposed Floor Plans	15.11.21

511.1.115	Block Plan	15.11.21
511.4.110A	Proposed Elevation	15.11.21
LP511.100	Location Plan	15.11.21
511.1.107	Proposed Floor Plans	15.11.21

List of Background Papers

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