

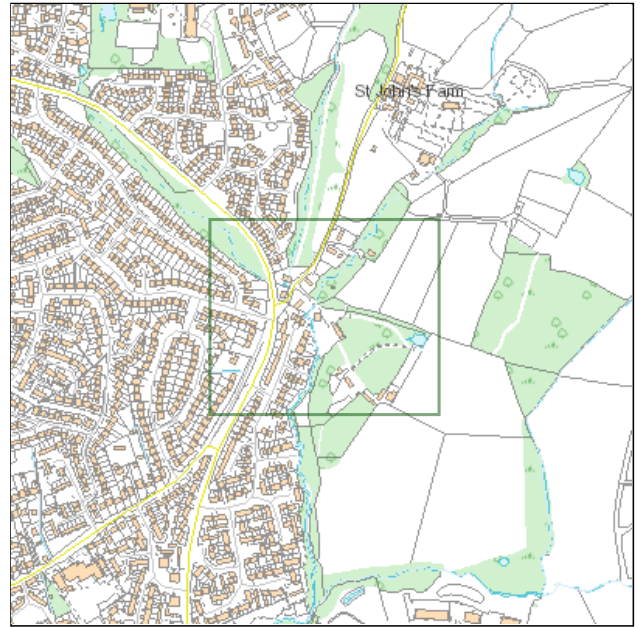
**Ward** Exmouth Withycombe Raleigh

**Reference** 22/0873/FUL

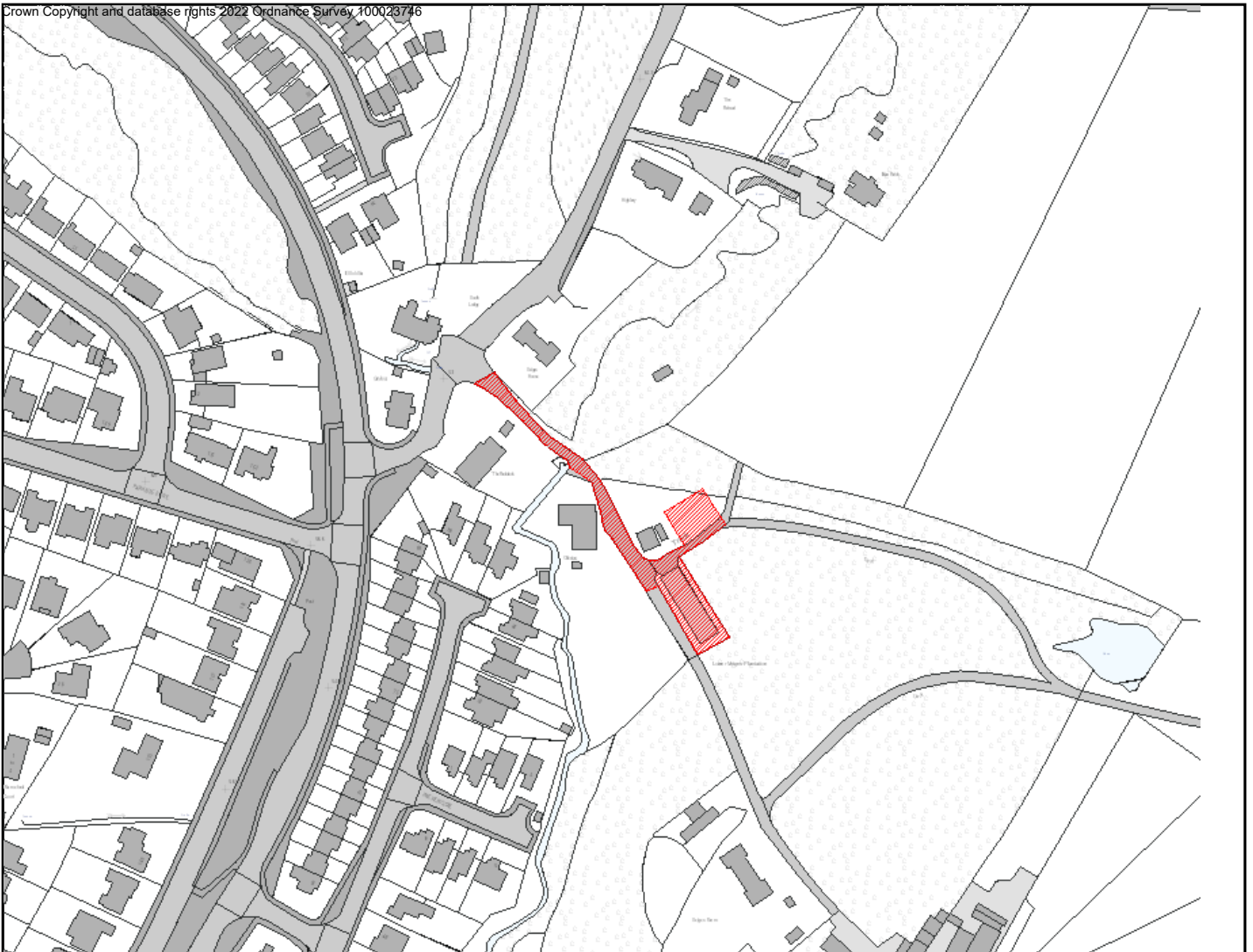
**Applicant** Mr Eric Biddulph

**Location** Olleston St Johns Road Exmouth EX8 5EG

**Proposal** Erection of a detached dwelling with associated parking and amenity space, vehicular access and landscaping.



**RECOMMENDATION: Refusal**



		<b>Committee Date: 29 November 2022</b>
<b>Exmouth Withycombe Raleigh (Exmouth)</b>	<b>22/0873/FUL</b>	<b>Target Date: 21.06.2022</b>
<b>Applicant:</b>	<b>Mr Eric Biddulph</b>	
<b>Location:</b>	<b>Olleston St Johns Road</b>	
<b>Proposal:</b>	<b>Erection of a detached dwelling with associated parking and amenity space, vehicular access and landscaping</b>	

**RECOMMENDATION: REFUSE**

#### **EXECUTIVE SUMMARY**

**This application is before the Development Management Committee as Ward Members have expressed a contrary view to officers.**

**Planning permission is sought for the construction of a detached dwelling with associated parking and amenity area on the site of a former storage/agricultural building.**

**The site is located outside of, but adjacent to the built-up area boundary and within reasonable walking and cycling distance to existing services and facilities in Exmouth such that it is considered to be in an accessible and sustainable location. The provision of a new dwelling on previously developed land would make a limited but positive contribution to the Council's delivery of housing, on a site which is considered to be sustainably located, and would contribute to the District's 5 year housing land supply.**

**The proposed dwelling, although of a reasonable design, is considered to occupy a significant part of the site which is heavily constrained due the presence of substantial protected trees within close proximity of the site boundaries. The proximity of the trees is such that the main habitable rooms, and the majority of the dwelling would receive no sunlight and be shaded throughout the day. In this respect the relationship between the dwelling and the trees is such that the living conditions of any future residents would be dominated by the presence of the trees, particularly as they grow and mature.**

**Whilst a further area of land is proposed to provide an external amenity area for the dwelling, this is divorced from the dwelling, and also heavily shaded by the protected trees.**

**As a consequence, it is considered that there would be mounting pressure to remove or fell the trees as a result of the worsening amenity for any future residents which would be difficult to resist.**

**Notwithstanding the fact that the Council can no longer demonstrate a 5 year housing land supply and that the site is reasonably located in terms of sustainability, it is considered that the proposed development would fail to provide an acceptable level of residential amenity for future occupiers due to the presence of the protected trees.**

**On the basis of the poor levels of residential amenity the application is therefore recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

#### Exmouth Withycombe Raleigh - Cllr Brenda Taylor

I would like this application to go to committee, my colleague Cll Steve Gazzard and I would approve this application, as we visited the site some months ago, and asked for a habitat survey.

The agent would like to speak

#### Parish/Town Council

Objection, the proposal was outside the Built-up Area Boundary for Exmouth and therefore considered to be development in the countryside. The proposal would further erode the rural character of the historic woodland and detrimental to the environmental setting. The application was considered to be contrary to policy EN1 of the Exmouth neighbourhood Plan which states development will only be permitted where it would not harm the distinctive landscape, and environmental qualities within which it is located. It was noted that DCC Highways had so far not commented, and the application was accompanied by an independent transport assessment. Members did not agree with the assessment that there will not be any increase in traffic. Even though the proposal was for a single dwelling it was for a very large property. The site has been subject to many previous planning applications which have refused due to concerns over Highway safety due to the substandard access to the site.

#### Parish/Town Council

Meeting 20.06.22

Objection sustained; the amended plans did not mitigate previous concerns raised. Members were concerned to prevent felling of the woodland and noted that a TPO had recently been served.

### **Technical Consultations**

#### Devon County Highway Authority

Observations:

This site has had two reasonably recent applications in which the County Highway Authority (CHA) has had concern for;

- 19/0401/FUL, B1 and B8 use
- 17/1723/FUL, 4 New dwellings

The CHA is minded that both of these applications would have seen a material increase in trip generation compared to that of the existing permitted use.

However, the current proposed use, will be in placement of the former workshop unit and therefore although of course not operating now, has to be taken as the benchmark trip generation in comparison, with regards to this proposed use.

Therefore I believe, in this regard, the trip generation will not be greater from one dwelling to that of when the workshop was last in use, pre-2006.

As such although the visibility onto St Johns Road in the right direction is substandard, the use of the existing established access is not being increased in terms of permitted development, though this does require the hedge to be maintained to a similar level to that previously.

Therefore, in line with our pre-application site visit and report BTC21055, The CHA has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Natural England

see comments under "document" tab

Natural England

Dear Sir/Madam,

Application ref: 22/0873/FUL

Our ref: 392166

Thank you for your consultation.

Natural England has previously requested further information on this proposal in our letter dated 16 May 2022, reference 391468.

The information is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.

Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.

#### Natural England

Natural England has previously requested further information on this proposal in our letters dated 16/05/2022 & 18/05/2022.

The information is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.

Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.

#### EDDC Trees

In principle construction of a building on the existing footprint is possible without being detrimental to the health of the trees remaining on site. However, due to the proximity of large woodland trees it is considered that the current proposal would lead to significant pressure to prune or fell trees due to safety concerns, which would be detrimental to the character of the area. The scheme should therefore be refused as it is contrary to our local planning policies D1, D2 and D3.

Comparisons of aerial images from 2016 and most recent show significant tree felling on the plot. The site immediately adjacent to the old workshop was a dense area of trees and formed a distinct part of the woodland edge. During this relatively short period of time, the character of the plot has changed. This includes part of the woodland which is proposed as a garden. I have significant concerns regarding pressure to prune / remove further trees which are within falling distance of the proposed property due to concerns over safety / perceived risks of failure. As noted within the arb report the trees are located 13m to the south east and 17m to the east of woodland trees which are up to 28m in height and therefore within easy falling distance. Many of these trees are described as 'etiolated specimens' and with the recent removal of neighbouring sheltering trees it is considered a dwelling would be inappropriate and detrimental to the long-term character of the woodland area. I do not agree that with the AIA that the density of trees is 'relatively low' nor that the proposal is sustainable.

It should be noted that permission was granted in October 2021 for the felling of five large of Ash trees due to ash die back within the neighbouring property of Olleston. A number of photos have been used by the applicant to show the relative close proximity of existing neighbouring residential dwellings. However, prior to the felling of the trees, the character of the neighbouring property was very much 'treed' which restricted views of the neighbouring properties. Five replacement trees are conditioned including Lime and Oak to ensure the 'woodland character' of the area immediate area is maintained which will be located directly to west of the proposed development.

## Trees

Despite the proposal now incorporating construction to withstand strikes from trees, my original concerns still remain about proximity of potentially large woodland trees to the proposal and future pressure to prune / remove these trees. TPO's are only made where there is considered to be a significant threat to the trees. The making of the TPO does give the council a degree of control over the future management of the trees but the construction of a habitable space and associated garden in this locality does increase the perceived risk posed by the trees of either damage to one's property or injury to person, whereas the risk to un-inhabitant space is obviously lower and therefore there is less requirement to manage the trees. A large proportion of the tree teams workload is dealing with concerns from residents over the proximity of trees to properties where consent has been granted to build in close proximity to trees-particularly as trees grow. Furthermore the proposed location for the garden is located in what was until recently a wooded area and it is questionable whether this is a suitable usable space for a garden.

## Other Representations

None received

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
19/0401/FUL	Demolition of the existing workshops and provision of new workshops/storage utilising the existing footprint	Refuse	04.06.2019
17/1723/FUL	Demolition of workshop and construction of 4 no. dwellings, and change of use of land to provide detached garden areas with associated car parking.	Withdrawn	02.02.2018
04/P2075	Erection Of One Dwelling	Refused Appeal Dismissed	30.09.2004  21.06.2005
03/P0412	Change Of Use From Dairy/stables To Workshop	Approved	01.07.2003

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-Up Area Boundaries)

Strategy 7 (Development in the Countryside)

Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)  
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)  
EN14 (Control of Pollution)  
EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)  
TC7 (Adequacy of Road Network and Site Access)  
TC9 (Parking Provision in New Development)

#### Government Planning Documents

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

#### Exmouth Neighbourhood Plan (Made)

EN1 Development in Built-up Area Boundary

#### Site Location and Description

The application site currently comprises a disused and dilapidated former agricultural/storage building set amongst a sylvan plantation setting, though some have recently been felled. To the west of the site lies a residential dwelling, with a more modern storage building to the north, on all other immediate sides the sites is surrounded by plantation trees.

The application site lies adjacent to but outside of the built up area boundary of Exmouth. Access is provided by a single track highway from St Johns Road which also serves the adjacent dwelling and a further property, becoming a private road shortly after the site.

#### Proposed Development

Planning permission is sought for the demolition of the existing building on the site and the construction of a new detached dwelling with integral garage, parking and a garden/amenity area. The proposed dwelling occupies virtually the whole of the main body of the site. There is a 3m wide strip of garden to the front of the dwelling, a 1metre pathway to the north eastern side of the building and an amenity area measuring around 75 square metres to the south east of the building. A further amenity area is located to the north east of the site.

The dwelling has accommodation on two levels, with the ground floor comprising living accommodation, with four bedrooms and associated bathrooms/en-suite facilities above.

The design of the property takes reference from a more traditional brick and wooden barn, under a slate roof, and incorporates a large glazed full height elevation to the south east, with the main aspect to the north east and a full height entrance to the lane side of the building.

## **ANALYSIS**

The main issues to be considered in the determination of this application relate to the principle of the proposed development, the design, scale and impact of the dwelling on the character and appearance of the area, and any impact on highway safety, trees, or residential amenity.

### **Policy Context and Principle of the Development**

#### **Policy Context**

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The Exmouth Neighbourhood Plan (NP) has been 'made' and also carries full weight.

#### **Principle**

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up to date development plan where there are material considerations in a particular case which indicate that the plan should not be followed.

The site lies outside of the built up area boundary of Exmouth and is not in an area allocated for development in any neighbourhood plan. Whilst adjacent to the built up area boundary, the site lies, in policy terms, in the open countryside. As such the proposed development falls to be considered under Strategy 7 of the EDDC Local Plan which seeks to protect the character and appearance of the surroundings from development that would have a detrimental impact, though it does not represent a bar on all development as it supports the principle of development if in accordance with other policies contained in the development plan. Strategy 22 relates to development at Exmouth where, within the development boundary, moderate new housing will be promoted.

There are no policies within the Local Plan which support applications for residential development in the countryside unless there is a proven agricultural, forestry or rural worker need and therefore this application is considered to be a departure from the Local Plan and has been advertised as such.



## Sustainability and Accessibility

Strategy 7 of the Local Plan defines the countryside as all those parts of the plan area outside of the Built-up Area boundaries for towns and villages shown on the proposals map. This policy seeks to restrict development outside the Built-Up Area Boundaries of defined towns and villages with the intention of ensuring that the majority of new development is situated within established settlements in order to promote sustainable patterns of land use. Although the National Planning Policy Framework is less prescriptive about the location of new housing than the Local Plan, the overarching objective is also to achieve sustainable patterns of land use where the fullest use can be made of public transport, walking and cycling. Therefore, there is consistency between the Framework and the objectives of the Local Plan in this regard. The application site is located in the countryside, outside of the built-up area boundary as defined by the Local Plan.

Policy TC2- Accessibility of New Development of the Local Plan states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car. The policy justification states that this is to positively influence travel patterns and movements by promoting development in the most sustainable locations where people can make realistic and viable alternative choices to the use of the car.

Whilst the site is in the countryside, it adjoins Exmouth's built-up area boundary and is considered to be within accessible walking and cycling distance to existing services and facilities in the area and in close proximity to existing public transport links into the town such that it is considered that it would be difficult to argue that the site is not sustainably located. This is particularly pertinent at the present time, when there is some doubt as to the ability to demonstrate that the Council has a five year housing supply.

The principle of new development on the site, given the lack of available housing land supply, and its sustainable location, is therefore considered to be acceptable unless any adverse effects of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the local plan and NPPF taken as a whole.

## Design, Scale and Impact on Character and Appearance of Area

The proposed dwelling is on the site of a former large storage building and a derelict dairy building which occupied the site. The footprint of the dwelling would be slightly less than that of the former buildings, with the general design and proposed materials taking reference from the smaller derelict barn which remains on site. The design of the building takes a simple linear form, with the main aspect being to the north east and to the south where a full two storey height glazed gable end wall is proposed. The use of brick, wooden panels and a slate roof are typical of that found on many rural buildings. The overall design concept of the building is not considered to appear unreasonable although it is somewhat constrained by the surrounding trees.

In terms of wider impact, the proposed building would be sited adjacent to the lane, which beyond the site is a private track, with no public right of way. The site has trees to its eastern and southern boundaries, which are the subject of a new blanket tree preservation order. It is only visible from the lane, although it would be seen within the context of the neighbouring property and ancillary storage building. However it would extend virtually the whole width and most of the length of the main body of the site, providing little useable amenity space around it, which is somewhat at odds with the adjacent dwelling. Overall it is considered that the scale and position of the dwelling would appear too large for the size and constraints of the site, although the general design concept of the property is not considered to be unreasonable in this location.

### Highway Safety

Policy TC7 - Adequacy of Road Network and Site Access of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Previous proposals for the re-development of the site, including that refused planning permission for the replacement of the existing building on the site with a new building accommodating 5 business units, were refused planning permission on the basis of the poor visibility at the junction of the lane onto St Johns Road and the intensification in the use of the site.

The existing building, albeit in a poor state of repair has been previously used as a workshop and store. Whilst this use has not been undertaken in recent years, it is considered that this remains the authorised use, and one which has the potential to generate relatively large vehicular movements. It is considered that this is a material consideration in the determination of the application. The potential traffic generation arising from the revival of the former use of the site, compared with that generated by a single dwelling has been considered by the Highway Authority who have concluded that they would have no objection to the proposal on the basis that it would be likely to result in less conflict with the existing road network. Whilst the junction at St Johns Road lies beyond the control of the applicant, and there is therefore no scope to improve the visibility at this point, the fact that there is an existing authorised use of the site remains, and any reduction in likely trip generation is supported.

Policy TC9- Parking Provision in New Development of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home. The proposed dwelling, with an integral garage and parking for two cars is considered to comply with this policy.

Bearing the above in mind, no objection is raised on highway safety grounds.

### Trees

The application is accompanied by an arboricultural impact assessment, tree protection plan and a site analysis in respect of the relationship between the proposed

dwelling and the surrounding trees, which are now the subject of a blanket tree preservation order. This analysis and the proposed protection details have been considered by the Council's Arboricultural Officer with the conclusion that the proposed dwelling could be constructed without damage to the existing trees surrounding the site.

New development in close proximity to trees can lead to pressure from future residents to lop or fell existing trees and the concerns raised by the Council's Arboricultural Officer in this respect are fully appreciated. Whilst the group of trees to the north west of the site are within the ownership of the applicant, most of the rest are within separate ownership, and therefore beyond the control of any future residents. The trees form part of a larger woodland area known as Lower Vieges Plantation. Whilst it is not clear when they were planted, the arboricultural report identifies the woodland as young/middle aged specimens, varying in growth from less than a third to up to two thirds of life expectancy. As such there is significant potential for further growth as the trees mature.

It is considered that the relationship between the trees and the proposed dwelling is such that notwithstanding the ability to be able to construct a dwelling without causing harm to the trees, the living conditions of any future occupiers would be dominated by their presence.

The imposition of the TPO provides legal protection against the removal of any further trees covered by the area, without approval. Whilst the trees lie outside of the control of the applicant, it is considered that as the trees grow and mature, the negative impact of their presence and the real or perceived threat to the dwelling and future residents would result in requests to cut back, or fell trees to allow more light to the garden and into the dwelling. These works may be difficult to resist given the likely adverse impact on the living conditions of occupiers of the proposed dwelling from the tree.

It is also relevant to note that the felling of 5 Ash trees within the neighbouring property to the immediate south west of the site, approved under reference 21/2367/TRE is conditioned to require replacement planting of 5 trees within the curtilage of the site, which may, over time, have a further impact on the amenity of the occupiers of the proposed dwelling.

Overall, it is considered that the proximity of large woodland trees would lead to significant pressure to prune or fell trees due to safety concerns which would be detrimental to the character of the area and contrary to policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the local plan.

### Residential Amenity

Policy D1 of the Local Plan states that proposals should not adversely affect the amenity of occupiers of adjoining residential properties.

The orientation of the dwelling is such that the main aspect is to the north east and south, with only the entrance porch having an aspect towards the garden of the

existing property, Olleston, to the south west of the lane. Whilst the new building would be relatively close to the garden of the existing property, the lack of windows on the front elevation would ensure that no loss of privacy for the occupiers of the existing property would occur.

Whilst it is not considered that the proposal would have any material impact on the amenities of neighbouring residents, the main area of concern is for any future residents of the proposed dwelling. The submitted details indicate that the front elevation of the building would be to the north east, and that the building would be set at a lower level than the adjacent rising land. This land is outside of the control of the applicant, and with a metre wide strip of land to the boundary of the site, the ground floor windows, including the proposed lounge will face onto a retaining wall with rising land and the woodland beyond.

At the first floor bedroom windows, and proposed balcony on this elevation will similarly be looking over neighbouring land. Notwithstanding this, the shading plan indicates that due to the surrounding trees most of the proposed dwelling would be in shade, with very little sunlight into the building. The lack of natural sunlight and outlook onto a substantial woodland is considered to result in a poor standard of amenity for future residents.

The fully glazed south easterly aspect would allow light into the building, although again little sunlight, with the amenity space adjacent to the living area in constant shade from the adjacent trees. The lack of sunlight, significant shading and constrained rear outlook into the canopies of the trees at close range would fail to provide an appropriate level of amenity.

The proposed garden area to the north of the house would receive some direct sunlight during the day due to the more open south westerly aspect, although again it has large areas shaded. This area is detached from the dwelling, at a raised level and located at the furthest point away from the main living accommodation, and is within the area covered by the TPO, and therefore constrained in terms of providing an attractive and convenient garden space for residents.

Whilst the proposed development would not encroach within any of the root protection areas, the proximity of the trees, with the dwelling sited around 13m from the nearest tree to the south and 17m to the east is such that the dwelling would lie within falling distance of the trees. It has been suggest that appropriate measures, including the provision of a steel portal frame to resist tree strike could be employed to ensure safety, although this would not affect any perceived threat of fall.

Given the size of the dwelling proposed and modest size of the site, notwithstanding the separate amenity space, it is clear that the quality of the scheme has been compromised by the desire to maximise built floorspace without sufficient regard to the area's prevailing character, or the amenity levels of future residents.

### Ecology

The application is accompanied by an ecological report which found no evidence of bats on the site although the surrounding woodland is likely to be used for foraging. A

disused wren nest was found within some ivy on the western elevation of the building, but no evidence of other nesting birds.

The report concluded that subject to appropriate mitigation, including the installation of integrated bird boxes, bat tubes, and the use of appropriate external lighting, the proposal would result in ecological enhancement.

### Habitat Mitigation

The consultation response received by Natural England is requesting that additional information is required to address the impact of the proposed development on the designated sites, however this information was provided with the submissions and is addressed below.

The site is located in close proximity to the Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47- Nature Conservation and Geology of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.62 per dwelling which has been secured as part of this application.

### Planning Balance

There are 3 dimensions to sustainable development – social, economic and environmental – which must be considered jointly. The provision of a new dwelling on previously developed land would make a positive but limited contribution to the district's housing supply, over which there is currently some uncertainty, on a site which is considered to be sustainably located, albeit outside of the defined built-up area boundary. Whilst the application would only provide a single dwelling, cumulatively individual plots can make a meaningful contribution to the housing supply, and deliver new properties in a more timely fashion.

The site would bring limited economic benefits to the area during the construction phase, and by the additional contribution arising from additional residents to the local economy

However, whilst the overall principle of development may be considered to be acceptable and there is no highway safety or ecological objections to the proposal, the size and position of the proposed dwelling and its relationship with the surrounding

woodland is not considered to respect the character and appearance of the area, provide an appropriate standard of residential amenity for future residents, and is likely to lead to pressure to fell protected trees.

## **RECOMMENDATION**

To refuse the application for the following reasons:

1. The proposed dwelling by virtue of the limited space available within the plot and close proximity to the boundaries of the site and protected trees would have a restricted outlook and would appear constrained within the plot and lead to significant pressure to prune or fell trees. As such the development would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to policies D1 (Design and Local Distinctiveness) (Design and Local Distinctiveness), D2 (Landscape Requirements) and Policy D3 (Trees and Development Sites) of the East Devon Local Plan, Policy EB2 of the Exmouth Neighbourhood Plan and guidance contained within the National Planning Policy Framework.
2. The presence of nearby protected trees and the relationship with the proposed dwelling, due to the shading and lack of sunlight into the dwelling, particularly in respect of the proposed living rooms, and private amenity area to the south east of the site, would result in a poor standard of residential amenity for future occupiers of the proposed dwelling. This would inevitably lead to otherwise unnecessary and potentially damaging arboricultural works that would detract from the present and future public amenity afforded by the protected trees. The proposal would therefore be contrary to policies D1 (Design and Local Distinctiveness) (Design and Local Distinctiveness), D2 (Landscape Requirements) and Policy D3 (Trees and Development Sites) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework.

## **NOTE FOR APPLICANT**

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

### **Plans relating to this application:**

8369-002 E	Proposed Block Plan	21.04.22
8369-003 C :	Proposed Combined	21.04.22
floor/roof	Plans	

8369-004 E : front	Proposed Elevation	21.04.22
8369-005 E : elevations/section	Proposed Combined Plans	21.04.22
8369-LP	Location Plan	21.04.22
8369-008 Rev A: Site Analysis Tree Proximity	Other Plans	16.06.22

List of Background Papers

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