

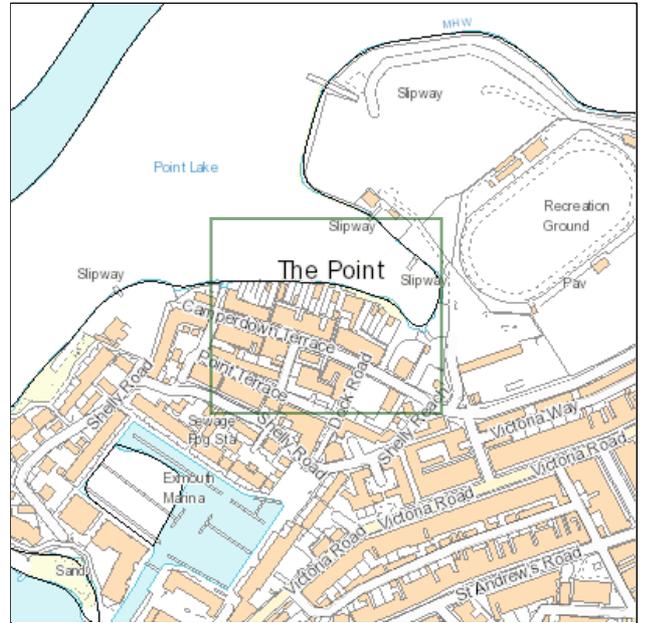
**Ward** Exmouth Town

**Reference** 22/2157/FUL

**Applicant** Mr and Mrs M Lee

**Location** 30 Camperdown Terrace Exmouth EX8 1EH

**Proposal** Single storey rear extension, single storey side extension with alteration to fenestration, first floor rear balcony.



**RECOMMENDATION: Approval with conditions**

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|                               |  |   |
|-------------------------------|--|---|
|                               |  | <b>Committee Date: 28th February 2023</b> |
| <b>Exmouth Town (Exmouth)</b> | <b>22/2157/FUL</b>   | <b>Target Date: 07.12.2022</b>            |
| <b>Applicant:</b>             | <b>Mr and Mrs M Lee</b>  |   |
| <b>Location:</b>              | <b>30 Camperdown Terrace Exmouth</b>   |   |
| <b>Proposal:</b>              | <b>Single storey rear extension, single storey side extension with alteration to fenestration, first floor rear balcony.</b> |   |

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is put before Members because the view of officers differ to those of Ward Members and the application was deferred following Chair's Delegation meeting.**

**The application proposes a single storey side and rear extension, alteration to fenestration and first floor rear balcony.**

**Given the location and appropriate design and scale of the proposal, it is considered that the development would not cause any significant harm to the character and appearance of the area and the amenities of the occupiers of surrounding properties or residents.**

**In light of this, it is recommended that the application is approved subject to conditions as suggested.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Exmouth Town - Eileen Wragg**

I wish to object to this planning application. It would adversely affect the characteristics and special qualities of the area as contained in Policy D1 of the Local Plan. It would conflict with 2. Ensure that the scale, massing, density, height and fenestration relate well to their context. 3. Adversely affects the distinctive historic or architectural character of the area. It would significantly impact on the amenity of occupants of adjoining residential properties 4.e. Features that maintain good levels of daylight and sunlight into and between buildings to minimise the need

for powered lighting. This development would deprive the occupants of no. 32 of daylight, being just 1.6 metres from their kitchen window. Also the balcony planned adjacent to the bedroom would be totally unacceptable, as future users would be able to use it during hours of darkness thereby intruding on the amenity and peace of the adjoining property.

There is also the potential impact on The Sail Loft nearby, which is a listed building.

This application is in my Ward and should be REFUSED.

Should approval be recommended, I request that the application goes before the Planning Committee.

#### Exmouth Town - Cllr Olly Davey

Having reviewed the plans and visited the site, I object to the current application. It is an overdevelopment of the site, leaving hardly any of it without buildings on it, and coming very close to the boundaries. This is contrary to Policy D1, as the scale and massing, etc are out of proportion with the size of the site. It is also out of keeping with other buildings in the area, which generally have much more modest extensions. It will adversely affect the amenity of neighbours in depriving them of light, having an overbearing appearance and with the potential to create overlooking, noise and disruption nuisances through the use of the proposed balcony.

I believe this application should be refused, but in the event that officers are minded to recommend approval, I would request that it is brought to a meeting of planning committee.

Notwithstanding the above, I reserve my final position until I have seen all reports and information and heard all arguments.

#### Parish/Town Council

No objection

#### South West Water

Please see maps under the documents tab online

Proposal: Single storey rear extension, single storey side extension with alteration to fenestration, first floor rear balcony

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

#### Asset Protection

Please find attached a plan showing the approximate location of a public 150mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Further information regarding South West Water's build over of sewers process can be found on our website via the following link:

[www.southwestwater.co.uk/buildover](http://www.southwestwater.co.uk/buildover)

Should you require any further information, please contact our Asset Protection Team via email: [DeveloperServicesAssetProtection@southwestwater.co.uk](mailto:DeveloperServicesAssetProtection@southwestwater.co.uk).

### Other Representations

8 letters have been received from 7 neighbours and third parties in objection raising the following:

- Position of balcony would cause loss of privacy to neighbouring gardens and bedrooms
- Position of balcony would cause loss of light
- Position of balcony would cause noise
- Position of balcony would cause light pollution
- Proposals affect ownership of rear wall
- Ground floor extension would cause loss of light to neighbouring properties and violates the 45 degree rule
- Extension is out of character with the area
- Overlooking of alley from window at north end of extension would cause loss of privacy
- Measurements on plans are estimates
- Flood safety measures proposed under application 18/2174/FUL - would be affected by the proposals
- Proposals are to a holiday home; the owners are non-resident.
- Decking has already been laid in the garden causing issues
- No visual amenity assessment has been submitted
- The application has not been correctly advertised
- Sewers and ground stability would be damaged
- Traffic would be increased to the area

### **PLANNING HISTORY**

There is no previous planning history.

### **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)  
D1 (Design and Local Distinctiveness)  
EN9 (Development Affecting a Designated Heritage Asset)  
EN16 (Contaminated Land)  
EN21 (River and Coastal Flooding)  
EN5 (Wildlife Habitats and Features)

## Exmouth Neighbourhood Plan (Made)

Policy EN1: Proposals for development within the Built-up Area Boundary (BUAB) will generally be supported.

Policy EN5: Impact from additional surface water resulting from development should be controlled and satisfactorily mitigated

Policy EB1: Conserving heritage assets

Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design.

## **OFFICER REPORT**

### **Procedural Matter**

This application was submitted to the Chair Delegation Meeting on the 11<sup>th</sup> of January 2023 following objections from 2 ward members but the application was referred to the Planning Committee for determination.

### **Site Location and Description**

30 Camperdown Terrace is located at the extreme south west of the town within a residential street. There are however some small businesses located in buildings to the North East of the site with access off Camperdown Terrace. The site and surrounding properties are all within Flood Zone 2 & 3.

### **Proposed Development**

Planning permission is sought for the construction of single storey rear and side extension, installation of rear balcony and alteration to fenestration.

### **Analysis**

The main issues with this application are the impact on the character of the area and the amenity of neighbouring properties.

### **Impact on the character of the area**

The proposed development would be entirely located to the rear of this mid-terrace property and so would not be visible or have any impact on the streetscene of Camperdown Terrace. Although it would be visible from the estuary itself which lies to

the north of the site its impact on views from here would be limited and in the context of the wider terrace.

Whilst extending outwards to the rear wall is unusual there are a variety of extensions and separate buildings to the north side of Camperdown Terrace. Whilst acknowledging Cllr Davey's comments given the plethora of styles and scales of extensions including that at No 26 and 32 alongside it is not considered that an extension in this location would be deemed sufficiently out of character to warrant refusal on this element.

#### Potential loss of light to neighbouring properties

Whilst the extension abuts the boundary with No 32 and acknowledging the positions of rear ground floor windows serving this immediate neighbour given these windows would be unencumbered to the north and across No 32's rear garden it is not considered the effect would be significant to warrant forming an objection on grounds of loss of light or from an overbearing nature.

The applicant's also have a fall-back position in that they could construct a 3m deep extension from the original rear wall to the same height as proposed as permitted development. Whilst the extension proposed is deeper than the normal 3m it is not considered the additional length would be significantly harmful over what could be constructed without planning permission.

In regard to No 28 the proposed ground floor extension would run along the rear / side boundary and above the height of the existing side wall. Whilst No 28 has ground floor windows facing the outlook is already affected by the side of the two storey rear tenement and whilst the single storey side element would be closer it is not considered the affect to outlook or light would be additionally sufficient to cause a significant impact.

The roof level of the rear balcony is lower than the first floor windows of neighbouring properties and therefore it is not considered the balcony itself would cause a loss of light; similarly as the side screens are glazed as opposed to solid the outlook from bedrooms would not be of an impenetrable surface rather some light would be available. Additionally space immediately behind first floor windows to the north of neighbouring properties including No 32 as well as above the 1.8m high glazed screen to the side would be unencumbered. As such it is not considered the erection of the balcony would lead to a significantly harmful loss of light.

#### Overlooking to neighbouring gardens and bedrooms

Existing rear windows of No 30 and neighbours already grant views to the rear gardens of properties either side, and in the case of No 30 & 32 given the arrangement of the existing bays views there are possible sideways views across the rear walls directly into the first part of bedrooms.

The application proposes a balcony accessed from the middle of the first floor rear bay of No 30 with 1.8m high obscure glazed screens to either side across the depth of the balcony. The eye line of a 1.78m high person (5'10") is at approximately 1.65m in

height; therefore a glazed screen of 1.8m would prevent views sideways from the balcony into the neighbouring bedroom window.

Therefore whilst there would still be views to rear gardens these are already possible from existing first floor rear windows to rear gardens, as views to the side would be obscured by the privacy screen it is not considered that a harmful loss of privacy would ensue. The obscure glazing could be conditioned.

Views from windows in the real elevation of the extension would view towards rear gardens of the site itself across the alley or to the two neighbouring rear areas. However these views are already available from the existing rear windows or by standing in the rear garden. It is not considered that a case can easily be made for significant loss of privacy if there was a window in this location. The alley is a 'public' area to the extent that those neighbours with rights to use the alley, as opposed to the general public, can do so in any case.

#### Potential nuisance from use of the balcony

This dwelling has a lawful use as a C3 dwellinghouse and any balcony would serve that purpose. The level of noise would be expected to be commensurate with a domestic use. Excessive noise from domestic premises would normally be a matter for Environmental Health.

In the context of the rear of Camperdown Terrace, given rear windows, existing balconies and street lighting nearby it is not considered a case could easily be made for light pollution. Though this has been raised as an objection nothing specifically has been referred to such as exterior lighting or spotlights and these are not evident on the proposed elevation drawings.

#### Flooding Issues

The site lies in flood zones 2 and 3 and so is at high risk of flooding. The applicants have submitted a flood risk assessment which whilst it does not include flood levels shown on any plan as required by the guidance, acknowledges that the area is subject to flooding from the estuary. Floor levels are proposed at the same height as existing with electrical sockets set at a high level. It is suggested in the event of approval, development is conditional on the precautions in this document. The area is already hardstanding to a significant extent.

Residents have suggested that flood safety measures delivered under the Exmouth Tidal Defence Scheme (planning application 18/2174/FUL) would be affected by the proposals. No specific evidence has been put forward or details of which elements of the measures allowed under that approval would be affected by this extension and balcony.

Perusal of the relevant phase of the flood defence works sets out that a flood gate is proposed at the entrance to the alley between No 22 and No 26; minor ground profiling to the footpath between No 44 and No 48; and a number of properties to have 'resilience improvements subject to survey and agreement with property owner. Work may include but are not limited to new air bricks, flood proof doors, windows'. This

includes No 30 and neighbours to each side as well as selected other properties within the terrace.

It is not known if the provisions of the approval have been carried out. However presumably elements such as airbricks and flood proof doors and windows could be included in any extension for this site or any other in the area.

In terms of the flood gate proposed given this is some distance it is unclear how this would be affected by the proposals. The design of this gate was amended in application 20/0011/VAR but it is not considered this would make a difference.

#### Other matters raised by objectors

Civil Matters - A number of civil matters have been raised by parties including ownership of the rear wall and the rear alley but these are not material planning considerations. South West Water have commented about distances to their infrastructure but again this is a civil matter.

Quality of the application – It has been suggested that measurements on plans are estimates, however no details have been given as to which plans is believed to be estimated. The plans provided are to scale, not estimates. All plans are provided with a scale bar to check measurements. Members of the public, neighbours and consultees can do so on the EDDC website by viewing the plans. Similarly it has been suggested that further information should have been submitted but the requirements have been met. It has also been suggested that a site notice should have been displayed but this is not required in this case – neighbours were written to directly about this proposal.

Traffic would be increased to the area - It is acknowledged that parking provision locally is extremely limited. No 30 like other properties in the terrace does not have its own bespoke parking space and is reliant on on-street parking and a small Council car park nearby. However our policies would not require parking and no additional bedroom is proposed on the plans, rather expansion of the ground floor living area.

#### **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. Development shall be carried out in accordance with the Flood Risk Assessment by Parkes Architecture and Design received on the 12 October 2022. (Reason - In the interests of reducing the scope for harm from flooding in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031).
4. Prior to the first use of the balcony hereby approved obscure glazed screens to a height of 1.8m, as measured from the finished floor level of the balcony and extending along the complete depth of the sides of the balcony as shown on drawing No 1646-03 Revision B received on the 3 October 2022 shall be installed. The obscure glazed screens shall remain at the same height and in the same position in perpetuity. (Reason - to retain privacy in accordance with Policy D1 (Design and Local Distinctiveness) of the 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 windows shall be installed in the west elevation of the single storey rear extension hereby approved. (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.)

#### NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

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

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

Prior to the commencement of any works the applicant is advised to contact the Developer Services Department of South West Water in regard to the position of your proposal within proximity of a foul sewer / mains water infrastructure belonging to SWW, to discuss compliance with their requirements.

South West Water, Peninsular House, Rydon Lane, EXETER EX2 7HR

01392 443983

[developerservicesassetprotection@southwestwater.co.uk](mailto:developerservicesassetprotection@southwestwater.co.uk)

A copy of South West Water's comments on your application is available to read on the EDDC website under the planning application reference together with a map (if provided by SWW)

Please quote reference PC191022EX81EH in all communications and correspondence with South West Water.

**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:**

1646-03B                      Proposed Combined Plans    03.10.22

1646-01                      Existing Plan (contains Location Plan) 28.09.22

**List of Background Papers**

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