

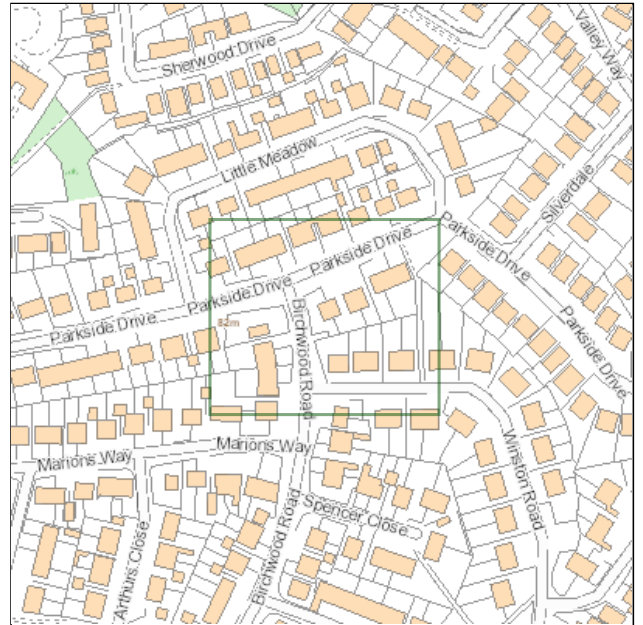
Ward Exmouth Brixington

Reference 22/2720/FUL

Applicant Mr Chris Wood

Location 80 Birchwood Road Exmouth EX8 4LS

Proposal Proposed terraced two storey 3-bedroom dwelling on adjoining garden to 80 Birchwood Road, Exmouth Devon EX8 4LS, with associated off-street parking



RECOMMENDATION: Approval with conditions

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		Committee Date: 20.06.2023
Exmouth Brixington (Exmouth)	22/2720/FUL	Target Date: 15.02.2023
Applicant:	Mr Chris Wood	
Location:	80 Birchwood Road, Exmouth, EX8 4LS	
Proposal:	Proposed terraced two storey 3-bedroom dwelling on adjoining garden to 80 Birchwood Road, Exmouth Devon EX8 4LS, with associated off-street parking	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The site concerns the side garden of an existing dwelling in the built up area boundary for Exmouth, the surrounding area is urban / residential, with a mix of house types in the vicinity (a mix of 2 storey 1980's style semi-detached / detached houses, one and a half storey houses and bungalows of varying designs).

The application proposes an attached two storey terrace dwelling within the Built Up area Boundary, in close proximity to services and public transport such the that proposal is considered to represent sustainable development.

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.

The level of car parking falls slightly below the requirements of Policy TC9 of the EDDC Local Plan, however, there is a wealth of on street parking available in close proximity to the site such that the proposal would not cause a severe impact on highway safety locally.

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

In preparing this report the planning officer has considered fully the implications

CONSULTATIONS

Local Consultations

1 x letter of objection has been received citing impact on character and drainage

Technical Consultations

Parish/Town Council

Meeting 16.01.22

Objection: members felt the proposal was overdevelopment of the site and were concerned that there was inadequate provision for garden amenity space for the new dwelling. The area is characterized by semi-detached and detached properties. This application proposed to make Number 80 Birchwood a terraced property which was out of character and harmful to the streetscene. It was also felt that the development would be visually intrusive to Birchwood Drive. It was therefore considered that the application was contrary to policy EB2 of the Exmouth Neighbourhood plan which states that development should be mindful of surrounding building styles and ensure a high level of design. Provision had only been made for 1 car parking space, this was deemed inadequate for a 3-bedroom home and contrary to policy TC9 of the EDDC Local Plan. Members also questioned impact the development would have on drainage.

PLANNING HISTORY

The site has no directly relevant planning history

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

D1 (Design and Local Distinctiveness)

EN22 (Surface Run-Off Implications of New Development)

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Exmouth Neighbourhood Plan (Made)

Policies: EN1; EN5; EB2

ANALYSIS

Procedural Matters:

This application was submitted to the Chair Delegation Meeting on the 3rd May 2023 following objections from the Town Council but the recommendation was not agreed to and therefore the application was referred to the Planning Committee for determination in accordance with the adopted scheme of delegation.

Site Location and Description

The site is an existing garden area to the west of 80 Birchwood Drive.

The location and surrounding area is urban / residential, with a mix of house types in the vicinity (a mix of 2 storey 1980's style semi-detached / detached houses, one and a half storey houses and bungalows of varying designs).

To the south (circa 80m distant) is a bus stop (Number 57 - service between Exmouth (including Town Centre) and Exeter).

Proposed Development

This planning application seeks permission for a proposed two storey 3-bedroom dwelling on adjoining garden to 80 Birchwood Road, Exmouth which would create a terrace of three dwellings.

The dwelling would be to the west of the existing house, and would include 1 x car parking space (off road), the existing dwelling would remain to be served by a garage and 1 no. parking space.

The dwelling would have matching depth, eaves and ridge height to that of 80 Birchwood Road and would be circa 5m wide.

The building is to be finished to matching brick on the north and south facing elevations, with the gable end (west facing elevation) to be finished to grey fibre cement 'timber effect' cladding. The roof is to be finished to concrete tiles to match existing.

First floor windows to the rear of the property, nearest 80 Birchwood Drive, are to be obscure glazed.

Main considerations

The main considerations in the determination of this application relate to:

- The principle of the proposed development;
- The impact on residential amenity;
- Visual amenity/character;
- Highways/parking;
- Drainage;
- Habitat regulations assessment;
- Planning balance.

Principle of Development:

The site lies within the built up area boundary of Exmouth, the district's largest town, where it lies in close proximity to essential services and infrastructure required for daily living as well as being close to public transport links to the centre of the town and to further afield settlements, the proposed residential development is considered acceptable in principle under Strategy 6 of the EDDC Local Plan, subject to accordance with other elements of the Development Plan, the Exmouth Neighbourhood Plan and any other relevant material considerations.

Neighbouring / Occupier Amenity:

The proposed development has sought to minimise impact on neighbouring amenity (principally the garden areas to the adjacent properties to the east) with the use of obscure glazing, so removing opportunities for overlooking. There is a property (78 Birchwood Road) to the south which is set at a lower level than the proposal site, views from the one unobscured window on the rear elevation serving a bedroom would be at a distance of 18 metres towards a timber fence with foliage growing up it, from such a distance and because the neighbour is at a lower level mean that overlooking would not be detrimental.

In this instance it is considered that the proposal would not be to the detriment of neighbouring amenity.

Comments received from the Town Council suggest the development would not provide sufficient external amenity space for the enjoyment of future residents.

The LPA does not have a prescriptive policy that requires or states minimum external space requirements.

It is noted that, through the use of permitted development rights, the quantity of amenity space in neighbouring gardens has been reduced. In this case, with the proposed garden area being of comparable size to that of neighbouring gardens (together with the developments that have been carried out using permitted development rights), the size is considered acceptable with areas for storing refuse/recycling, hanging washing and providing children's play equipment if necessary, although to retain such levels of space a planning condition removing permitted development rights in relation to residential development is proposed.

With the use of such a planning condition the amount of space can be retained/controlled such that any further buildings would require planning permission for consideration by this authority.

Visual Amenity / Character:

Comments received from the Town Council have suggested the development would be to the detriment of the character of the area, and would appear as a prominent addition to the street scene.

In their consultation response they have stated that, in their opinion, the scheme would be contrary to the requirements of Policy EB2 of the Exmouth Neighbourhood Plan. That policy reads:

"Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Avenues Design Statement (2005)."

In this case, it is accepted that the addition of the property as proposed would technically result in the formation of a three-house terrace. The principle of utilising space for the provision of new dwellings is not unique in this area though, as evidenced with the construction of a new house under planning permission 04/P0110 (2 Winston Road circa 50 metres to the south of this site).

However, in terms of aesthetics, the position of the dwelling, set below the street level of Birchwood Road (by circa 1 metre) would minimise prominence of the dwelling when viewed from the north and west (approaches to the site).

The site and development is set below the adjacent street level, and would be of dimensions comparable to that of the neighbouring house. The scheme does however propose the use of grey composite cladding which is not in keeping with the area, cladding in the area is typically brown hung tiles. The external materials can be controlled by condition however to ensure that appropriate materials are used.

Subject to the proposed materials condition it is not considered the scheme would be detrimental to the character of the area. It is of a design and style that would reflect the style and finishes of properties in close proximity as required by Policy EB2 which is also reflective of objectives of Policy D1 of the East Devon Local Plan that requires development to be locally distinctive, respect the key characteristics and special qualities of the area in which the development is proposed, and ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context).

Impacts on visual amenity and the character of the area are acceptable.

Highways / Parking:

The scheme proposes one off street parking space for a three bedroom house.

The Town Council have stated that, in their opinion, the proposal does not accord with the requirements of Policy TC9 of the East Devon Local Plan. That policy needs consideration, and it reads:

"Parking Provision in New Development

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.

In town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

All small scale and large scale major developments should include charging points for electric cars."

In this case it is noted that the policy wording states 'as a guide' at least two parking spaces per home with two or more bedrooms should be provided.

In this case, with the sites' proximity to an existing bus route, and being within the built up area, the provision of one space is considered to be acceptable as the roads around the site offer no restrictions on parking and it is witnessed that there are other cars parked on the highway as visitor or overspill parking, this parking is far from capacity such that if the occupiers of the dwelling did have access to more than one vehicle there would be spaces available locally. The intention of the policy is to ensure that highway/pedestrian safety is not compromised, especially in urban areas where parking is at a premium. In this location there is available parking and the impact on highway safety would not be severe.

Highway and parking impacts are considered to be acceptable.

Five Year Housing Land Supply (5YHLS):

The LPA cannot demonstrate a deliverable 5YHLS at present and as such there is a tilted balance in favour of sustainable development.

The scheme proposes a single dwelling which though limited in its impact on housing supply is nevertheless a positive benefit.

Drainage:

Comments received from the Town Council and neighbouring objector have suggested drainage (surface water) could impact on neighbouring amenity.

In this instance, the proposal details connection of surface water outflows to the existing drainage network. However, elements of Strategy 3 of the East Devon Local Plan are relevant. They read:

"Sustainable Development

The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their interrelationships are taken fully into account when considering development:

a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape. This includes reducing the risk of flooding by incorporating measures such as sustainable drainage systems."

Such requirements are also echoed in Policy EN22 of the East Devon Local Plan that requires the surface water run-off implications of the proposal to have been fully considered and found to be acceptable, and that appropriate remedial measures are included as an integral part of the development.

The application proposes connection to the mains combined sewer but there has been no evidence provided to demonstrate that a more sustainable drainage solution is not possible. As such a planning condition is proposed requiring the use of an on-site soakaway unless an alternative drainage scheme is agreed with the Local Planning Authority.

Subject to the above condition the application will accord with Policy EN22 of the Local Plan.

Habitat Regulations Assessment:

The nature of this application and its location close to the Exe Estuary and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and a financial contribution will be secured through an appropriately worded legal agreement. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Planning Balance:

In light of the sites proximity to bus services, the availability of on street parking which is not at capacity, the acceptable visual assimilation it would have with its

surroundings, the removal of permitted development rights, as well as the contribution of the delivery of a dwelling in a sustainable location would make to the acknowledged under supply in the 5YHLS, the proposal is considered acceptable on balance.

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. 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 2 Part 1 Classes A or E for the enlargement, improvement or other alterations to the dwellings or structures with the garden area 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.)
4. The parking space indicated on drawing number L(10) – Site Plan received on 12.12.22 serving the new dwelling hereby approved shall be provided and made available for use by occupiers of the proposed development prior to first occupation of the dwelling and thereafter retained as such and for the parking of vehicles only for the lifetime of the development.
(Reason: To ensure that the parking space is provided and retained in accordance with Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan).
5. Notwithstanding the details indicated on the plans hereby approved the external materials of the dwelling shall match those of the attached dwelling (No 80) unless otherwise agreed in writing by the Local Planning Authority.
(Reason: In the interest of visual amenity in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
6. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the

critical 1 in 100 year storm event plus 45% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

(Reason: To manage flood risk in accordance with Policy EN22 of the East Devon Local Plan)

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation

NOTE FOR APPLICANT

Informative: Confirmation - CIL Liability

This Informative confirms that this development is liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

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:

S111 Agreement

23.12.22

L(01)	Location Plan	12.12.22
L(10)	Proposed Combined Plans	12.12.22
L(11)	Proposed Floor Plans	12.12.22
L(12)	Proposed Elevation	12.12.22
L(13)	Proposed Elevation	12.12.22
L(14)	Proposed Elevation	12.12.22

List of Background Papers

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