

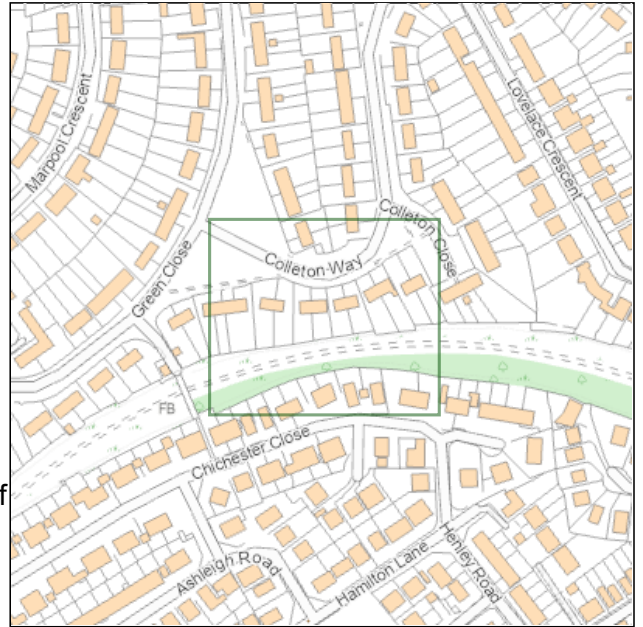
Ward Exmouth Withycombe Raleigh

Reference 23/1472/FUL

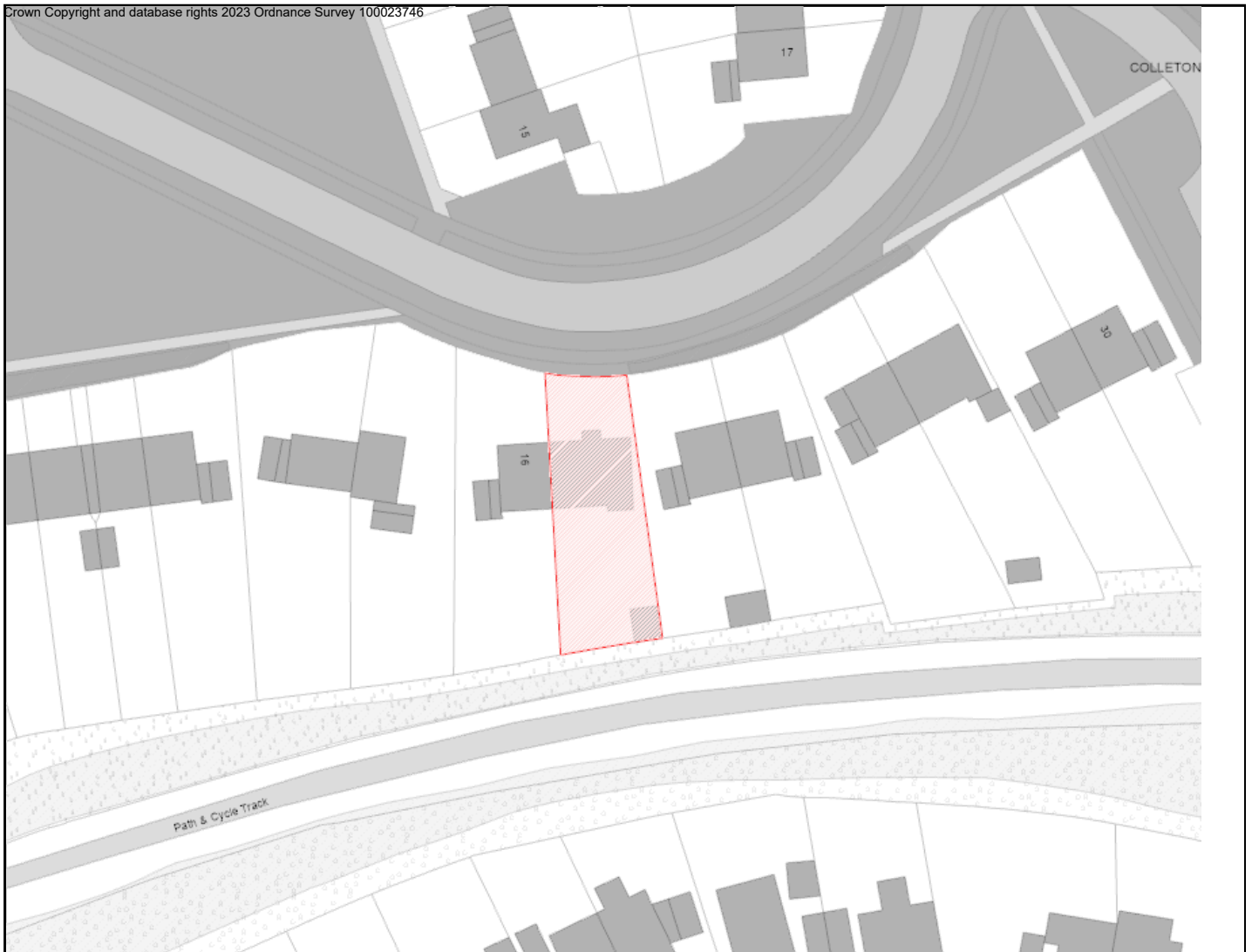
Applicant Mr Darren Pyne

Location 18 Colleton Way Exmouth Devon EX8 3PX

Proposal Separating existing property into two dwellings including gardens and driveways and addition of front porch.



RECOMMENDATION: Approval with conditions



		Committee Date: 19.12.2023
Exmouth Withycombe Raleigh (Exmouth)	23/1472/FUL	Target Date: 07.12.2023
Applicant:	Mr Darren Pyne	
Location:	18 Colleton Way Exmouth	
Proposal:	Separating existing property into two dwellings including gardens and driveways and addition of front porch.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is brought before the Planning Committee owing to a difference of opinion between officers and the commenting ward member.

Colleton Way comprises of semi-detached and terraced properties of a generally uniform design and form. This location is not subject to any heritage or other area specific considerations.

The proposed development involves the subdivision of an existing property to create an additional dwellinghouse. This would similarly split the associated driveway and rear garden space between these resulting properties.

The objections to the proposal related to the precedent established by the subdivision of a family home along with associated highways impacts. In light of planning legal precedent, it is not considered reasonable to refuse an application solely on the grounds of potential future development. The highways impacts were ultimately considered to be acceptable.

When the application was considered against the local policies, it was identified that it complied in multiple regards and approval was recommended. Approval is therefore recommended subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 23.10.23

No objection

Exmouth Withycombe Raleigh - Cllr Matt Hall

With regards to the planning application at 18 Colleton Way, I am concerned about the precedent which would be set to allow family homes to be split into two properties. I appreciate that the proposal has room for a driveway for each proposed property but parking in this area is already a problem especially with it being located on the bend

If officers are minded to approve this application I really feel it should be put before the planning committee to decide.

Technical Consultations

No other representations have been received.

Other Representations

No other representations have been received.

PLANNING HISTORY

Reference	Description	Decision	Date
10/0434/FUL	Construction of two storey side extension incorporating existing garage. Juliette balcony to rear	Approved with Conditions	31/03/2010

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Exmouth Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

Government Planning Documents

National Planning Practice Guidance

Site Location and Description

ANALYSIS

Site Location and Description

The application site is located within the Exmouth Built Up Area Boundary (BUAB) and is occupied by a semi-detached property. This site does not fall within a flood risk zone nor is subject to any heritage considerations. Its immediate setting consists of a residential area made up of similarly designed dwellings.

Background

The application under consideration primarily regards the use of the residential extension approved under 10/0434/FUL. This extension was built shortly following this permission and has been used as part of the existing dwellinghouse. It is noted that the plans approved at this time have a marginal footprint difference to the presently submitted drawings. Given the time that has elapsed since the construction of this dwelling, this is not considered to impact the following analysis.

Proposed Development

The application under consideration seeks planning permission for the subdivision of an existing property into two dwellings that would contain separate gardens and driveways. The proposed new dwelling would be contained within the two storey side extension built under planning permission 10/0434/FUL with the associated space directly to its front and rear representing its dedicated garden and off-street parking. A feather-board fence would be used to demark the boundary resulting from this subdivision.

As part of these conversion works, a porch matching that already found would be constructed to the front of the new property. A rooflight would also be introduced along the front roof elevation. Internally works would take place to separate their layouts so each dwelling can function independently of each other.

This application has been brought before planning committee following an objection received from Cllr Hall. With the officer's recommendation differing to these comments and in accordance with the LPA's scheme of delegation this case is brought before members.

Principle of Development

Strategy 6 of the East Devon Local Plan states that Built-up Area Boundaries, as defined on the Proposals Map, are considered appropriate through strategic policy to

accommodate growth and development. This position is mirrored by Strategy 22 relating to Exmouth as well as the adopted Exmouth Neighbourhood Plan.

With the application site located within an identified Built-up Area Boundary, this is a sustainable location with easy access to community facilities and amenities. This comes at a time when East Devon District Council cannot demonstrate a 5 year land supply which is recognised to weigh in favour of this application.

In terms of the nature of the development, the subdivision and thereby intensification of the existing plot, this is not in itself identified as objectionable by local policies. It is also noted that planning permission was granted at the nearby No 5 Colleton Close for a two storey side extension to be used as an annex (reference 15/0395/FUL). While this permission was for an annex rather than a new dwelling, the scale and the presence of a separate front door mirrors the present development.

Taking the above into account, the proposal is therefore considered acceptable in principle subject to the following analysis.

Impact on the Character and Appearance of the Surrounding Area

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, requires that proposals will only be permitted where they:

- 1. Respect the key characteristics and special qualities of the area in which the development is proposed.*
- 2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.*

Policy EB2 of the Exmouth Neighbourhood Plan states that new development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Avenues Design Statement (2005).

The application site is occupied by a rendered semi-detached dwelling extended by a two storey side extension. This property forms part of a series of similarly designed semi-detached and terraced dwellings that have been altered in differing ways. These differences include in the forms and appearances of the front gardens. This setting is generally considered to be of limited architectural merit.

The development under consideration would visually alter this property by creating a separate second entrance along its front elevation, installing a front rooflight and by subdividing its frontage. With the front porch created for this entrance designed like-for-like with the existing porch in terms of its form and scale, this lacks subservience to the original property. The resulting effect of having two so similarly designed porches so close together would create a somewhat confused and overly prominent frontage. Nevertheless, with weight attached to the mixed alterations present in their surroundings and the setback of this feature from the streetscene, this is considered to be acceptable in itself.

The subdivision of front driveway and the creation of a front rooflight are considered to be of a generally limited visual impact and would not harmfully impact their surroundings.

The proposal is therefore considered to have an acceptable impact on the character and appearance of the host dwelling, rear garden scene and the wider streetscene.

Neighbouring Amenity

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties and the amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses.

With the proposed development subdividing the front and rear gardens, this would result in the newly created dwellings being able to overlook each other's private amenity spaces. However, with this relationship similar to that found within terraced properties, this alteration is not considered to be materially harmful in its impacts.

The proposed subdivided property, owing to its relatively limited change to footprint would mirror the existing views, scale and other amenity impacts that presently exist to all other neighbouring properties.

The proposed development is not considered to result in material harm to the amenity of the occupiers of the existing and proposed occupiers in terms of light, outlook, privacy or an overbearing presence. The proposal is therefore acceptable and policy compliant in the above regards.

Occupier Amenity

The proposal would create a wholly new dwelling consisting solely of the space created by an unoriginal two storey side extension. The resulting property would contain two bedrooms (one single, one double) over three storeys, with a total floorspace of some 71.1sqm. The Nationally Described Space Standards do not specify the minimum space standards expected for a property with this level of accommodation at three storeys. With no clear guidelines here, and upon reviewing what requirements do exist, it is considered that the proposal would provide adequate amenity for its occupiers.

It is noted that the second bedroom would be served solely by rooflights. While this situation is not ideal, given that this is not the primary bedroom this is considered to be acceptable.

The rear garden space provided is considered to be adequate for a dwelling of this size.

The proposal is therefore acceptable and compliant in the above regards.

Highways

Policy TC9 (Parking Provision in New Development) of the East Devon 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 application form indicates that the exiting property is served by three off-street parking spaces. Following the proposed subdivision, this would leave two of these spaces for the existing property and a single space for the new dwelling. While it is acknowledged that this would be a breach of policy, given the availability of on-street parking in the surrounding area and its location within a BUAB, this is not considered to represent a reason for refusal in itself.

The proposal is therefore acceptable and compliant in the above regards.

Other Considerations

Habitat Regulations Assessment (HRA)

With the proposed development not materially increasing the footprint of the existing building, the statutory HRA payment does not apply in this instance.

Cllr Hall's Comments

With reference to the objection received from the local councillor, the precedent for similar development resulting from a planning decision does not represent valid grounds for refusal. This principle is established by caselaw and wider appeal decisions. For these reasons, it is not considered reasonable to refuse this application on the precedent established by the development. Weight is also given to the decision of application reference 15/0395/FUL that has already demonstrated that development of this sort could be considered acceptable.

Conclusion

Although the objection to the proposal raised by the ward member have been acknowledged, it is considered that the compliance of the proposal with the relevant national and local policies would weigh in favour of the development. The proposal is therefore considered to be acceptable and the scheme is recommended for approval.

RECOMMENDATION

The application be APPROVED 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. The dwelling hereby permitted shall not be occupied until details of waste storage and secure cycle/scooter storage facilities have been submitted to and approved in writing by the Local planning Authority and have provided within the site for both dwellings. These shall thereafter be retained in perpetuity.
(Reason - In the interests of promoting sustainable travel and the disposal of waste in accordance with Strategy 5B (Sustainable Transport), Policy TC4 (Footpaths, Bridleways and Cycleways) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

4. Prior to occupation of the dwelling hereby approved the rear amenity space shall be subdivided from the host dwelling by a 1.8 m high close boarded fence or similar structure as indicated in the approved plans and the related amenity space made available for use by occupants of the dwelling hereby approved and retained as such for the lifetime of the dwelling.
(Reason – To ensure the long term amenity of the occupiers of the site)

5. The parking for the proposed new dwelling as indicated in the proposed plans shall be made available for its occupiers for the lifetime of the development.
(Reason - To ensure that adequate parking provision remains available in accordance with Policy TC9 – Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

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:

NO 5	Combined Plans	12.10.23
NO 4	Proposed Elevation	12.10.23
NO 3	Proposed Floor Plans	12.10.23
	Location Plan	07.10.23

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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.