

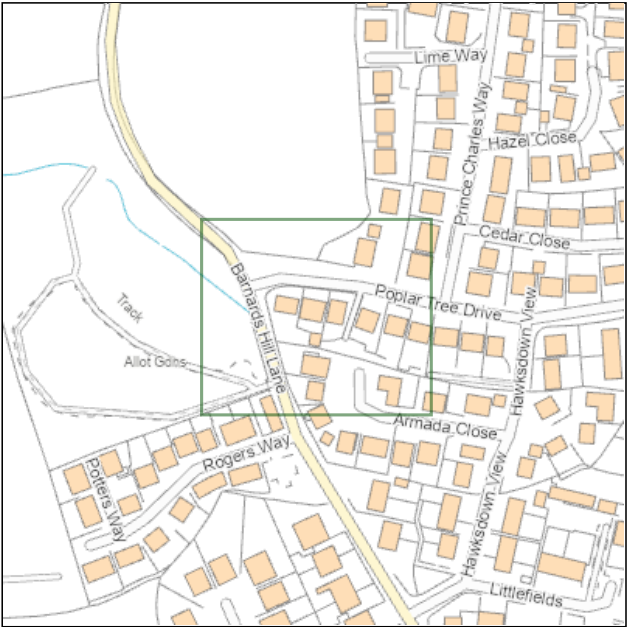
Ward            Seaton

Reference    23/2575/FUL

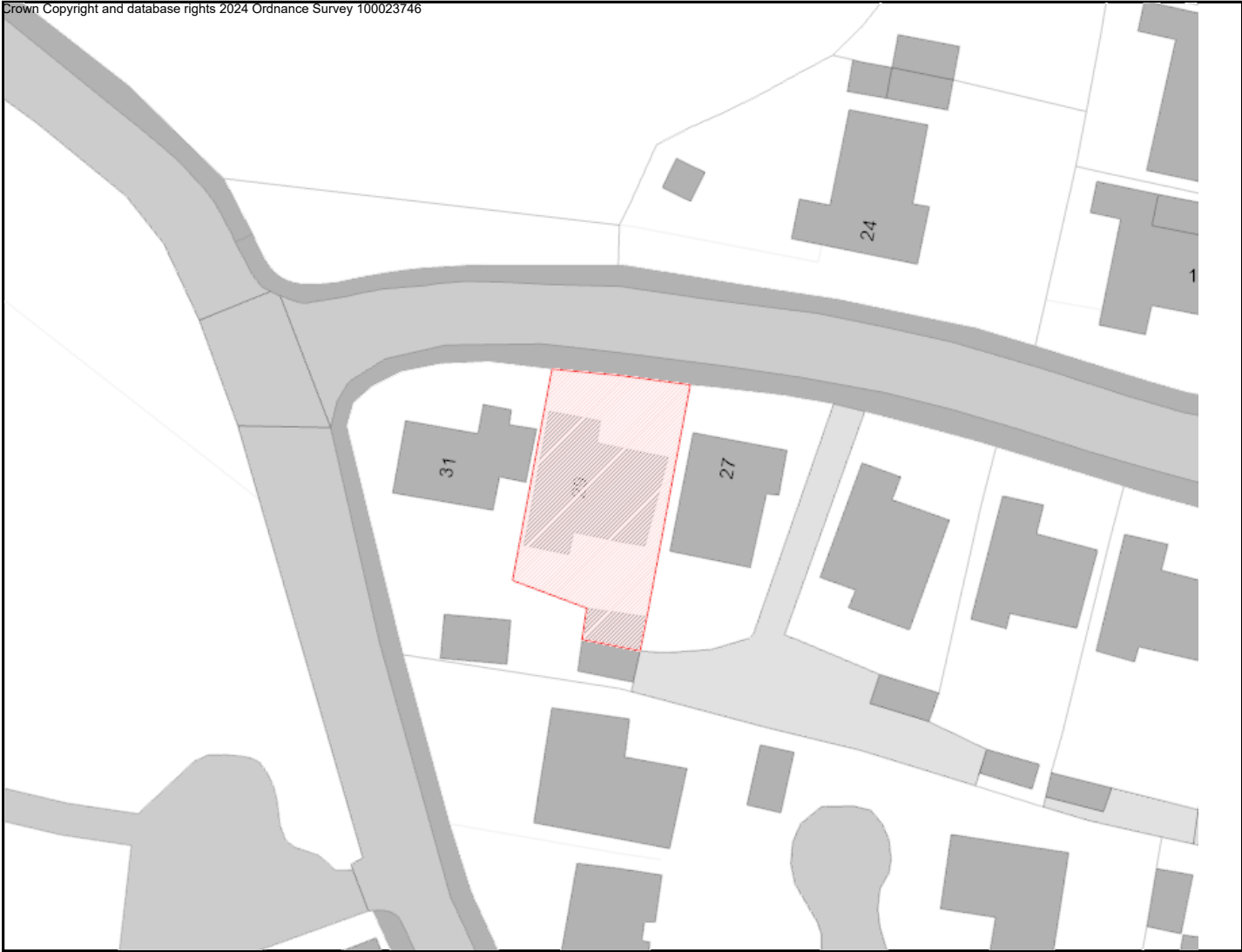
Applicant    Mr Daniel Ledger & Ms Abigail Down

Location     29 Poplar Tree Drive Seaton EX12 2TW

Proposal     Raising of roof and conversion of roof space to habitable space, including front and rear dormers and balcony



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 30.01.2024</b>
<b>Seaton</b>	<b>23/2575/FUL</b>	<b>Target Date: 25.01.2024</b>
<b>Applicant:</b>	<b>Mr Daniel Ledger &amp; Ms Abigail Down</b>	
<b>Location:</b>	<b>29 Poplar Tree Drive, Seaton. EX12 2TW</b>	
<b>Proposal:</b>	<b>Raising of roof and conversion of roof space to habitable space, including front and rear dormers and balcony</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as one of the applicants is an elected member of the District Council.**

**The application is received as a resubmission of a previously refused scheme (23/0890/FUL) with revisions taking the reasons for refusal into account.**

**It is considered that the proposal as amended has overcome the previous reason for refusal and would not have any detrimental impact upon the character of the surrounding area, nor would there be significant harm to the amenity of neighbours.**

**The application is considered to be acceptable and is therefore recommended for approval.**

#### **CONSULTATIONS**

##### **Parish Council**

Seaton Town Council did not wish to comment on this application as one of the applicants is a Member of Seaton Town Council.

##### **Ward Member**

No comments received

##### **Other Representation**

No comments received

#### **PLANNING HISTORY**

23/0890/FUL - Raising of roof, conversion of roof space to habitable space including front and rear dormers and balcony. Refused at committee for the following reason:

*The proposed rear full width flat roofed dormer, extending from eaves height almost to the new raised ridge height, and accentuated by the projecting balcony, full height fenestration, and conspicuous, awkwardly-positioned solar panel array, would be an over-large and incongruous addition to the host structure, which would not be compatible with the character of the site and its surroundings, and would not respect or relate well to the scale, massing and articulation of contextual built forms. The proposed development would therefore not accord with the objectives of Strategies 3 (Sustainable development), 6 (Development within built-up area boundaries) and 48 (Local distinctiveness in the built environment), nor with the criteria for granting permission set out in Policy D1 (Design and local distinctiveness) of the adopted East Devon Local Plan 2013 - 2031, nor with advice contained in the National Planning Policy Framework.*

## **POLICIES**

National Planning Policy Framework (Updated 19 December 2023)  
National Planning Practice Guidance

### **Adopted East Devon Local Plan (2013 – 2031)**

Strategy 3:	Sustainable Development
Strategy 5:	Environment
Strategy 6:	Development within Built-Up Area Boundaries
Strategy 38:	Sustainable Design and Construction
Strategy 47:	Nature Conservation and Geology
Strategy 48:	Local Distinctiveness In The Built Environment
Policy D1:	Design and Local Distinctiveness
Policy EN5:	Wildlife Habitats and Features
Policy EN22:	Surface Run Off Implications Of New Development
Policy TC9:	Parking Provision In New Development

## **CONSIDERATION:**

### **The Proposal**

This application proposes to raise the height of the roof, add a front gable extension, to add flat roof dormers at the front and rear and a rear balcony.

This newly submitted scheme the subject of this assessment differs from the previously refused scheme in that the rear dormer is now proposed to be set within the roof slope rather than to fully encompass the roof as before; the dormer is now set below the ridge, and set in from the eaves and sides, the solar panels previously included are now omitted, the balcony has been reduced in size and the window arrangements altered.

### **Description**

29 Poplar Tree Drive is a detached early 1980's bungalow on the south side of this unclassified residential road, just to the east of its junction with Barnards Hill Lane,

and to the north of later 1980's single and two storey housing in Armada Close. The eastern neighbour to the site (no. 27) is a bungalow, and to the west is a chalet bungalow (no. 31), of steeper roof pitch and correspondingly higher ridge line, for which permission has been granted for ground floor and roof space extensions, to the front, the rear and the side closest to no. 29, together with the construction of a rear first floor balcony near to the eastern end of its altered rear elevation.

The application site slopes down to the south east, such that as with its neighbouring dwellings the ground floor level of the building is set below that of the footway and road, and of the dwelling and garden to its north and east, but is set above the level of residences to its south and east. Bungalow and chalet bungalow slab levels are staggered downhill all along the curving length of Poplar Tree Drive from its western beginning at Barnards Hill Lane to its eastern terminus with Harepath Road.

The rear of the building is prominently viewed in the street scene.

### **Principal of development**

Strategy 6 of the East Devon Local Plan states that "within the boundaries development will be permitted if:

1. It would be compatible with the character of the site and its surroundings ...."

Policy D1 of the Local Plan expects applications to demonstrate that "new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive".

The Policy states (among other text)

"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.
3. Do not adversely affect:
  - a) the distinctive historic or architectural character of the area.
  - b) the urban form, in terms of significant street patterns, groups of buildings and open spaces.
  - e) the amenity of occupiers of adjoining residential properties.
4. Have due regard for important aspects of detail and quality and should incorporate:
  - c) use of appropriate building materials and techniques respecting local tradition and vernacular styles, as well as, where possible, contributing to low embodied energy and CO2 reduction."

The site lies within the Built-up Area boundary of Seaton, and is surrounded by residential development. There is no objection in principle to development of this single dwelling, as no additional units are proposed that would result in a change to the grain or density of the residential land use in this part of Seaton.

### **Design and Landscape Impact**

Generally, the roof scape in the western part of Poplar Tree Drive close to the application site is characterised by simple roof planes, with either eaves or gable ends parallel to the road. There is little alteration to the roof planes fronting the road but there are some rear dormers visible, notably on the neighbouring plot.

The proposed front dormer whilst not typical within the street scene was deemed by Members to be acceptable and was not a reason for refusing the previous scheme. This element of the scheme remains unchanged.

In the refused scheme the rear of the roof was entirely encompassed by the proposed 'dormer' extension such that from the rear the building would appear as a flat roofed 2 storey dwelling, wholly out of character with the area.

The rear dormer in the current scheme has been reduced in size and is now proposed to be set back down from the ridge and in from the eaves and sides of the roof, the solar panels which were previously included have now been omitted, the balcony on the rear elevation reduced in size and the window arrangements altered.

The revised submission is considered to be an improvement on the previously submitted scheme with the form, scale and design more in keeping with the character of the area.

The design and impact on the character of the area is considered to accord with Policy D1 of the Local Plan.

### **Residential Amenity**

It is considered in this instance, that the proposed design would not result in development which would be harmful to the amenity of the occupiers of the adjoining/nearby properties. The 2 x side facing rooflights allowing light to the en-suite bathroom are positioned high enough within the roof slope not to allow any harmful overlooking, and the balcony proposed can be conditioned to ensure the inclusion of sufficient side facing privacy screens.

As such, the proposed development accords with Policy D1 of the Local Plan.

### **Conclusion**

It is considered in this instance, that the revised design is acceptable.

### **RECOMMENDATION**

APPROVE with conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Prior to its installation, details (and, where so requested, a sample) of the composite cladding to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details/sample.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. Prior to the first use of the first floor balcony hereby approved, the 1.8 metre high privacy screens on the East and West facing elevations as indicated on drawing 001 REV G, shall have been installed.

The screens shall be obscured glazed to Pilkington level 4 or equivalent unless an alternative material has previously been submitted to and agreed in writing by the Local Planning Authority

(Reason - In the interests of protecting the privacy and amenity of occupiers of the adjacent residential property in accordance with Policy D1 (Design and Local Distinctiveness) 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:**

001 REV G

### **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