

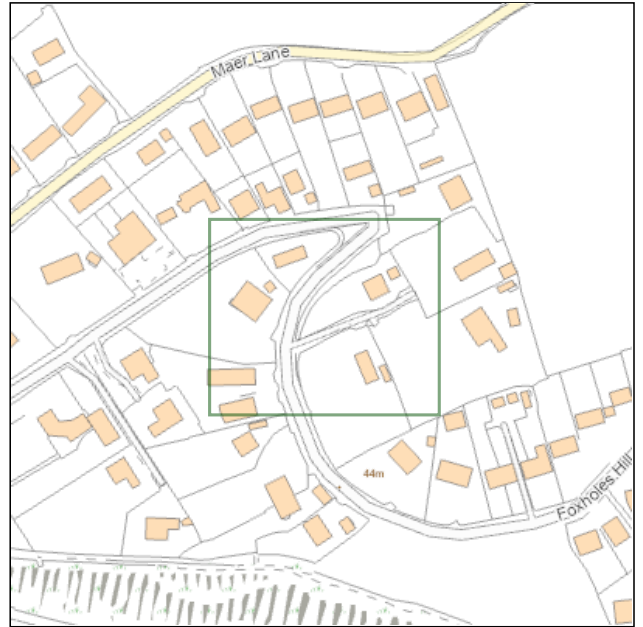
**Ward** Exmouth Littleham

**Reference** 22/2717/FUL

**Applicant** Mr A. Douglas

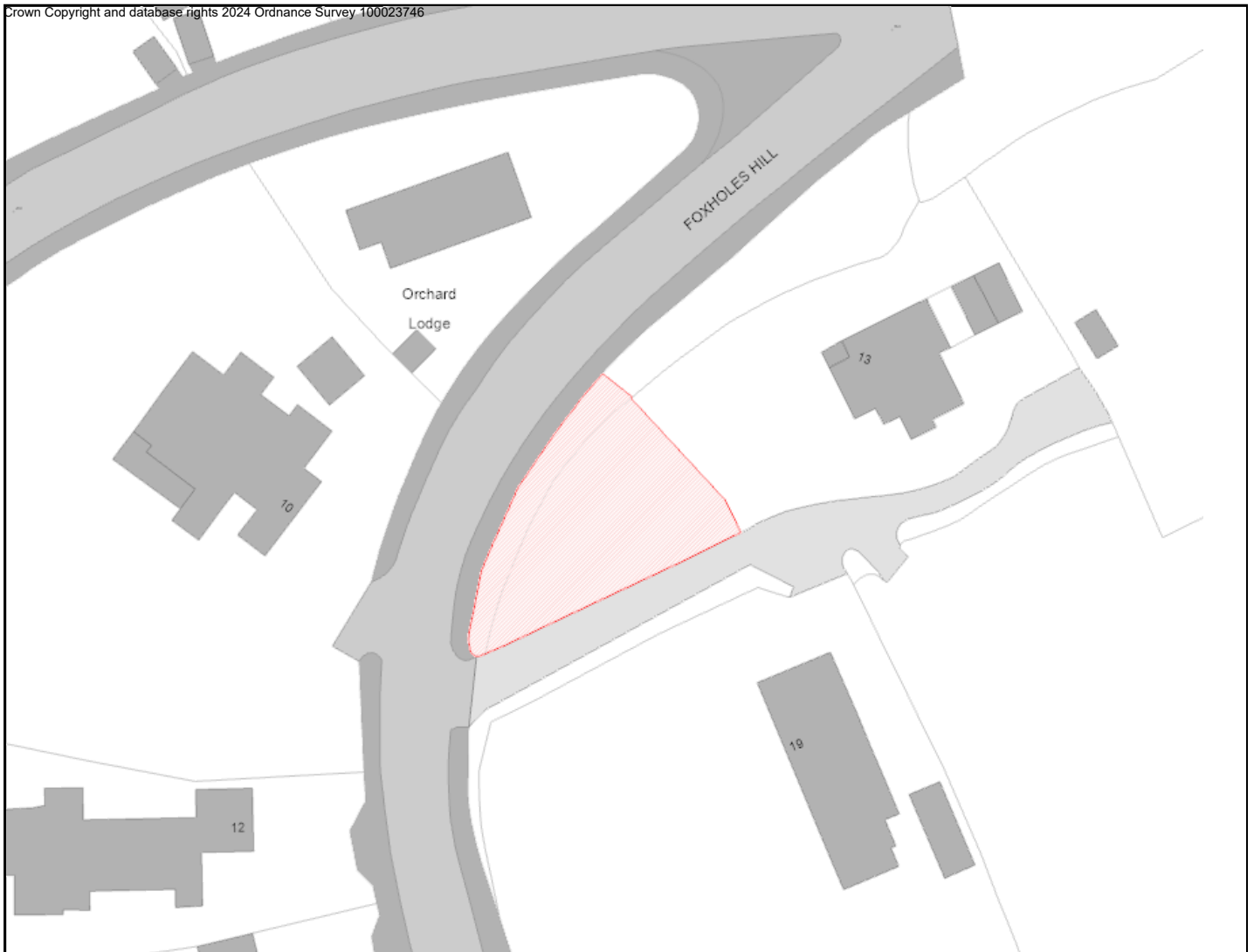
**Location** 13 Foxholes Hill Exmouth Devon EX8 2DF

**Proposal** Construction of a detached 2x bed dwelling with associated parking and amenity space (including sections/topography plan/access and egress)



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 27.02.2024</b>
<b>Exmouth Littleham (Exmouth)</b>	<b>22/2717/FUL</b>	<b>Target Date: 15.02.2023</b>
<b>Applicant:</b>	<b>Mr A. Douglas</b>	
<b>Location:</b>	<b>13 Foxholes Hill Exmouth</b>	
<b>Proposal:</b>	<b>Construction of a detached 2x bed dwelling with associated parking and amenity space (including sections/topography plan/access and egress)</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is before Members as the Officer recommendation is contrary to the views of the Ward Member.**

**The site is within the Built Up Area Boundary of Exmouth and the National Landscape (AONB), in an established residential area where there is a wide variety of plot sizes and building styles. The site is a steep sloped, north facing garden, with access to the west from Foxholes Hill. The site is bordered to the south by hedgerow and a private access track that also serves four existing properties.**

**Amendments to the application have been made during the course of its determination following concerns raised by officers regarding the scale, mass and bulk of the proposal particularly in relation to its surroundings, these concerns were shared by the ward member.**

**The amendments propose to reduce the scale of the dwelling back to 2 no. bedrooms (rather than 3 as submitted), this would be achieved by reducing the two-storey element of the building by one third and reducing the height of the upper floor to within the a pitched roof to add interest and reduce the bulk of the building, the solar panels have also been removed which is regretful but they would have been visually intrusive. The amended design would not appear unique to this area, with comparable examples in evidence of more modern dwellings at 'Sand Banks' and 'Belle View', on Foxholes Hill to the west of the proposal site. With such designs of similar style and finish in the vicinity the new build proposed would not appear incongruous in character (in that it is mindful of surrounding building styles).**

**The impacts on residential amenity, particularly the living conditions of the two**

**neighbouring dwellings with the potential to be most impacted by the proposal, No. 19 Foxholes Hill and Orchard Lodge, have been assessed and been found to be acceptable in relation to Policy D1 of the East Devon Local Plan.**

**The impacts of the intensification of a private access onto Foxhles Hill has been found to be acceptable with no objections received from Devon County Council's Highways Engineer.**

**Accordingly, having regard to all the matters raised, it is therefore recommended that planning permission is approved.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Meeting 03.01.23

No objection

#### Exmouth Littleham - Cllr Nick Hookway – On originally submitted scheme

I am objecting to the planning application for the following reasons.

Design: This application sits within the AONB and lacks the necessary design flair for such a location. The location of the solar panels is also incongruous for this design. Such a design is not complimentary to the neighbourhood.

I am also concerned by the height and scale of the proposed building, which I feel may well lead to a loss of privacy by neighbouring properties being overlooked.

At present the site can only be accessed by a narrow private road which exits on a bend in the road. Such an arrangement will be problematic during construction and will lead to long term congestion.

These are the facts as I see them at present. If and when I am presented with further information, I reserved the right to amend my opinion.

### **Technical Consultations**

#### County Highway Authority

No objection subject to conditions

#### Other Representations

3 x objections received; 2 x support received.

Objections cite:

Overdevelopment;  
Impact on Character;  
Highway Safety;  
Overlooking / Privacy

Support cites:

In character;  
Appropriate design

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

H2 (Range and Mix of New Housing Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

Government Planning Documents  
NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

Exmouth Neighbourhood Plan (Made)

Policy EB2 - Design

### Relevant Planning History

The site has no relevant planning history.

### Site Location and Description

The site is within the Built Up Area Boundary of Exmouth in an established residential area where there is a wide variety of plot sizes and building styles

The site is a steep sloped, north facing garden, with access to the west from Foxholes Hill. The site is bordered to the south by hedgerow and a private access track that also serves four existing properties.

The site is in the East Devon National Landscape (AONB) but has no other statutory designation constraints.

### Proposed Development

The planning application seeks full planning permission for the construction of a detached 2no. bed dwelling with associated parking and amenity space.

The design of the building is one with a subterranean garage (built into the hillside).

The south facing elevation windows, at the first floor, would serve the landing area and family bathroom (family bathroom window is to be obscure glazed).

The building is to be finished to a white render / Siberian larch, with glazing on the NW corner. The proposal includes a terrace area to the northern side of the dwelling.

Bedroom windows would be full height, with Juliette Balconies.

Amendments to the application have been made during the course of its determination following concerns raised by officers regarding the scale, mass and bulk of the proposal particularly in relation to its surroundings, these concerns were shared by the ward member.

The amendments propose to reduce the scale of the dwelling back to 2 no. bedrooms (rather than 3 as submitted), this would be achieved by reducing the size of the first floor element of the proposal on its end facing Foxholes Hill and by rationalising the materials so that the upper floor would be read as a room in the roof bungalow with a modern approach using copper red dormer surround, Siberian larch cladding and red clay rooftiles.

### ANALYSIS

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

- Principle of the proposed development;
- Impact of the development on its surroundings;
- Impact on the living conditions of neighbouring dwellings;
- Impact on highway safety;
- Habitats Regulations Assessment;

#### **Principle of Development:**

The site is located within the built-up area boundary of Exmouth in a sustainable location with good access to services and facilities and public transport, with good links to further afield settlements, where the principle of new residential development is supported under the provisions of Strategy 6- Development within Built-Up Area Boundaries of the East Devon Local Plan subject to the impacts of the proposal being acceptable in relation to other policies contained in the plan together with any relevant material considerations.

## Impact of the development on its surroundings

The site is in the East Devon National Landscape (NL), and also the built up area boundary of Exmouth. The location is adjacent to 'LCT 1B: Open Coastal Plateau' as identified in the Landscape Character Assessment 2019. In that, it states that LCT 1B land as 'High land which is often highly visible in views along the coast and from elevated viewpoints.'

The location of this site, within the existing built-up area boundary of Exmouth would not detract from the above characteristic as the side of the hill is already extensively developed with housing, being an urban, low density residential area within the NL, and would not impact on the wider NL or its setting subject to its design and visual impact.

In terms of visual amenity, design and character it is noted that the properties in this part of Foxholes Hill are not defined by their uniform appearance, with there being many differing styles and finishes to properties. One defining characteristic is that most are detached two storey dwellings, which this proposal seeks to continue. It is apparent that many of the properties close to the site have undergone some form of modernisation/re-build in recent years, being in an elevated position when viewed from the south the modernisations/new builds can be appreciated albeit from longer distance views. The proposal site would not be visible in these wider views, however, as there are mature evergreen trees in the gardens of properties in the foreground.

Objections to the original proposal on site suggested that the building would appear stark and out of keeping with that of the surround area, as well as appearing as over development of the plot (suggesting the development covers more than 50% of the site) and therefore would be contrary to the following element of Exmouth Neighbourhood Plan 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 terms of the design, officers raised concerns over the scale, mass and bulk of the original submission being a two-storey flat roofed building with solar panels on its roof. Its bulky form and visibility when travelling along Foxholes Hill would have created a large mass that would have detracted from the special qualities of the area and provide a dominant development in an elevated position. These concerns were shared by the Ward Member.

Amended plans have been received reducing the two-storey element of the building by one third and reducing the height of the upper floor to within the pitched roof to add interest and reduce the bulk of the building, the solar panels have also been removed which is regretful but they would have been visually intrusive. The amended design would not appear unique to this area, with comparable examples in evidence of more modern dwellings at 'Sand Banks' and 'Belle View', on Foxholes Hill to the west of the proposal site. With such designs of similar style and finish in the vicinity the new build proposed would not appear incongruous in character (in that it is mindful of surrounding building styles). It is considered necessary to impose a condition on any approval seeking confirmation of the finished floor level of the

dwelling, whilst the site sections indicate that the dwelling would be dug into the site, for the avoidance of doubt measurements in relation to an identifiable datum point are required.

In relation to scale (and concerns regarding overdevelopment), the buildings footprint would be approximately 111 sq.m. The plot size is approximately 470 sq.m. which would equate to less than 25% of the plot, which is not considered to represent an overdevelopment of the site.

Concerns have also been raised regarding a new building line being created forward of the existing properties, however this part of Foxholes Hill has no clear building line with new infill properties to the north and west of the site having been constructed in recent decades subdividing what were once large plots and therefore the siting of the proposed dwelling is considered to be acceptable.

Unfortunately, despite being re-consulted the Ward Member has not provided any further comments on the amended plans.

The amended scheme is considered to respect visual amenity, be of a design suitable for the location and would respect the character of this area of the AONB, as is required by Policies STGY3, STGY6, STGY46; STGY48 and D1 of the East Devon Local Plan 2013-2031.

### **Impact on the living conditions of neighbouring properties**

The site is surrounded by neighbouring properties to the north, south, east (host dwelling) and west (on the opposite side of Foxhole Hill). Objections have been received citing loss of privacy (overlooking) of property to the north (Orchard Lodge) and south (19 Foxholes Hill).

The proposed south facing elevation would be approximately 16.3m north of the edge of the neighbouring property (19 Foxholes Road). The ground level of 19 Foxholes Hill is to be set approximately 2.5m higher than the ground floor of the proposed property (not the subterranean garage, which would be lower again). From the plans (Section drawings), only the first floor of the proposed dwelling would be potentially visible, with only windows serving bathrooms and the staircase facing towards the neighbouring property (i.e., no habitable rooms will have line of sight towards 19 Foxholes Hill).

With regards the properties to the north (notably Orchard Lodge), from the site plan and section drawing provided, there would be a distance of circa 31m from the edge of the proposed terrace to the edge of the neighbouring property. The host property would be set significantly higher, similarly to 13 Foxholes Hill which already has views down towards the north in a compatible way to the proposed dwelling, than Orchard Lodge whose ridgeline is set just above road level. Views from the terrace would be at a distance and look well above the ridge of Orchard Lodge such that there is considered to be no detrimental impact on residential amenity.

No fenestration is proposed to the eastern elevation, ensuring no loss of privacy to those properties to the east.

The fenestration on the western elevation, from plans provided, shows the site would not have direct lines of sight to properties to the west which are further screened by mature trees.

The site has good existing boundary treatments which would also benefit from being enhanced, maintained and retained such that it is considered that a landscape scheme should be secured by condition on any approval.

In this instance the position of the building, its windows and elevation are such that it is not considered the occupation and use of the dwelling would result in loss of privacy to neighbouring users in accordance with Policy D1 of the EDDC Local Plan.

### **Impact on highway safety**

The proposal seeks to create a new vehicular access onto the site from an existing private road that access onto Foxholes Hill. Internally to the site there would be a subterranean garage and parking for 2 vehicles. Objections have been received which question the ability of occupiers to the new dwelling to egress from the site in a forward gear, and that the position of the access lane onto Foxholes Hill is potentially dangerous to highway safety.

Following receipt of amended plans and a vehicle tracking plan, the statutory consultee, Devon County Council Highways Engineer, has not objected and has stated in their professional opinion, that access to and from the site is acceptable, and that the addition of one more property onto the access lane would not be to the detriment of highway safety.

Accordingly, it is considered the proposal accords with Policies TC7 and TC9 of the East Devon Local Plan 2013-2031.

### **Habitats 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 has been secured through an appropriately worded Section 111 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.

## **CONCLUSION**

The proposed development, through submission of amended plans, would not be detrimental to the character and appearance of the locality, would respect neighbouring privacy, and would not be detrimental to highway safety.

For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is approved.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## **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. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates,

packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason - in the interest of highway safety and neighbouring amenity and in accordance with Policies D1 and TC7 of the East Devon Local Plan 2013-2031).

4. 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 to H for the enlargement, improvement or other alterations to the dwellings 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 of the Adopted East Devon Local Plan 2013-2031).
5. The dwelling hereby permitted shall not be occupied until the access, turning space, garaging and parking shown on the approved plan have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.  
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031).
6. Notwithstanding the details provided, no access from the dwelling at first floor level shall be formed to enable access onto the first floor roof above the ground floor on the western elevation. Access to this roof area shall be for maintenance purposes only and it shall not be used as an amenity area at any time.  
(Reason: In the interests of the character and appearance of the area and to protect the living conditions of surrounding residential properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
7. Before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

8. Notwithstanding the details provided No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative: Confirmation - CIL Liability

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

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

##### 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 positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

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

Plans relating to this application:

21247 P01:90 D	Proposed Site Plan	28.04.23
21247 P01:91 B	Proposed Site Plan	28.04.23
21247 P01:71 A :	Additional Information	28.04.23
vehicle tracking plan 1		
21247 P01:172 A	Additional Information	28.04.23
: vehicle tracking 2		
21247 P01:173 A	Additional Information	28.04.23
: vehicle tracking 3		
21247 P01:174 A	Additional Information	28.04.23
: vehicle tracking 4		
21247 P01:175 A	Additional Information	28.04.23
: vehicle tracking 5		
	Location Plan	12.12.22
21247 P02:01 F	Proposed Floor Plans	04.12.23
21247 P04:01 F	Proposed Elevation	04.12.23

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.