

**Ward** Ottery St Mary

**Reference** 24/0392/FUL

**Applicant** Mrs Chantelle Osborn

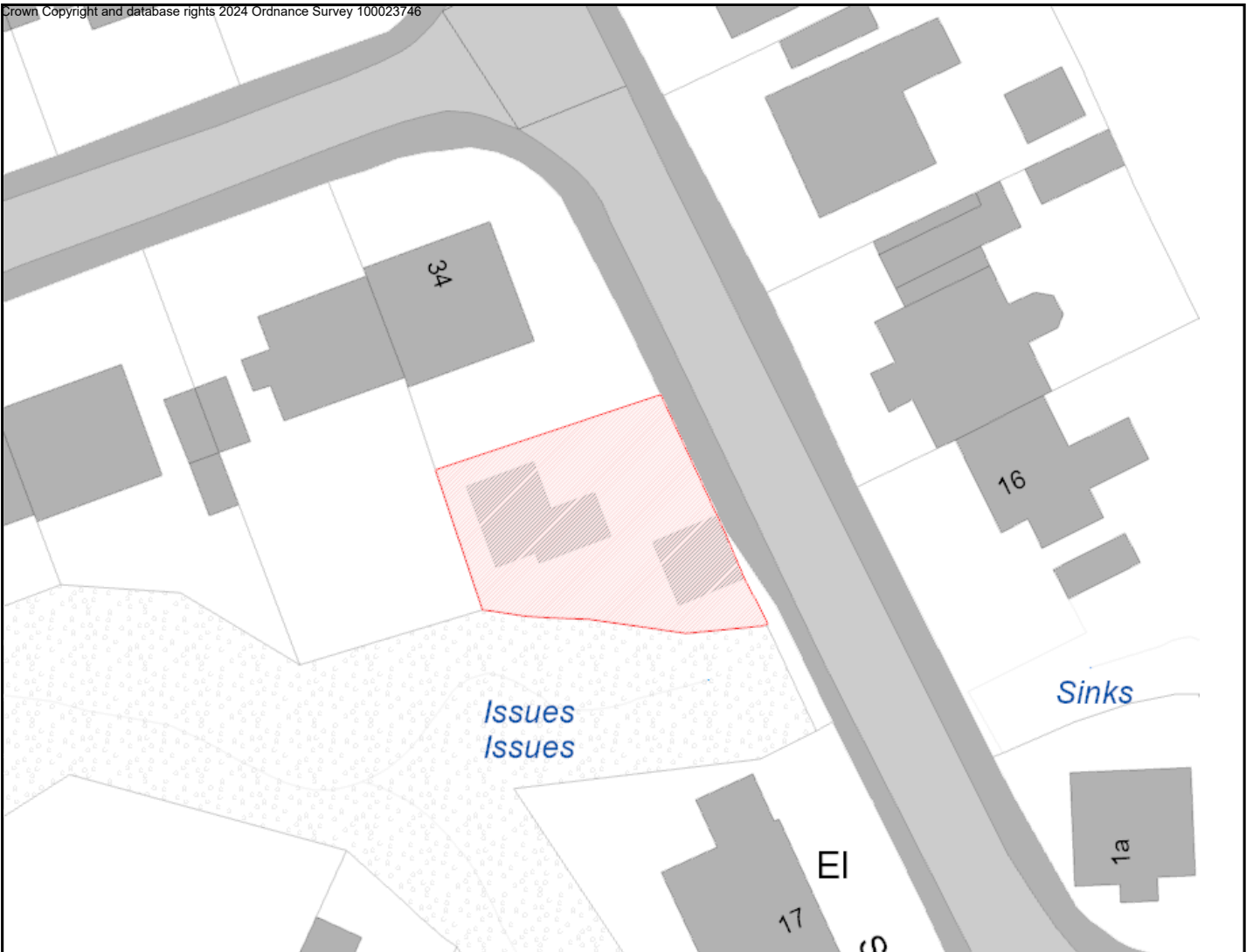
**Location** 34 Raleigh Road Ottery St Mary EX11 1TG

**Proposal** Demolition of x2no. outbuildings to be replaced with 2 bed detached chalet bungalow [re-submission of 23/2485/FUL]



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 26.03.2024</b>
<b>Ottery St Mary (Ottery St Mary)</b>	<b>24/0392/FUL</b>	<b>Target Date: 19.04.2024</b>
<b>Applicant:</b>	<b>Mrs Chantelle Osborn</b>	
<b>Location:</b>	<b>34 Raleigh Road Ottery St Mary</b>	
<b>Proposal:</b>	<b>Demolition of x2no. outbuildings to be replaced with 2 bed detached chalet bungalow [re-submission of 23/2485/FUL]</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the Officer recommendation is contrary to the views of Ward Members. It is an identical scheme to that refused recently under delegated powers (23/2485/FUL). In view of the fact that two Ward Members had expressed contrary views to the Officer recommendation on the previous application, the applicant was invited to re-submit the application for Committee consideration. In fairness to the applicant, the previous representations made in support of the recent identical scheme are reproduced below.**

**A change since the previous decision is the tree officer has now commented and raises concerns about the suitability of the site in principle given the impacts of trees along the southern boundary, outside the applicant's control, particularly as they grow to maturity. It has also been clarified that the rooflights are a minimum 1.8m above first floor level so no overlooking will arise.**

**The application seeks permission to sub-divide the rear garden of a semi-detached chalet bungalow at 34 Raleigh Road and erect a 2-bed detached chalet bungalow at right angles to it.**

**A proposal to erect a 2-storey detached dwelling has previously been refused and dismissed at appeal as being a cramped form of development which would also appear overbearing from the rear garden and windows of no. 34, would disrupt the mature and pleasant environment and be at odds with and harmful to the established character and appearance of this part of the estate.**

**Notwithstanding this proposal is for a chalet bungalow, the same environmental harm would still arise.**

**The building and access/ parking arrangements would take up much of the site, leaving only small pieces of open outdoor space and reducing the available garden for the existing dwelling, which would also be overlooked by the new dwelling. The site is bordered by mature trees to the south on the stream bank not within the applicant's control and which overshadow the site. They will increasingly continue to do so as they mature, further reducing amenity over time. Together with the limited space around the building, and loss of garden/ amenity for the existing property, concerns arise about the standards for modern living, including the quality of outdoor space, adequacy of natural daylight, and climate impacts of potentially needing electric lighting to compensate for lack of natural light.**

**The inevitable result of providing the accommodation and required parking is the loss of a section of mature hedging fronting Kennaway Road, which makes a significant, positive contribution to local character, the loss of which, along with the impacts of this cramped form of built development, would have a detrimental effect on the street scene and harm local character. As such it would be contrary to Strategy 6 and Policy D1.**

**Accordingly the application is presented to Committee for decision, recommended for refusal on the same grounds as the recently refused scheme.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Ottery St Mary - Cllr Bethany Collins**

It is my view, based on information in the plans, that this application should be approved.

Looking at the planning history, this current application has addressed previous concerns as outlined in the initial refusal. For example, the footprint of the dwelling is reduced and does not impose too greatly on the existing property when land is divided.

The proposal will benefit from pre-existing access via both Raleigh Road and Kennedy Road. The off-street parking provided by the development will not cause concerns with regard to highway safety or issues with congestion with more cars parking on the pavement or in the road.

The site in Raleigh Road sits within the built up area boundary for Ottery St Mary and the current local plan, Strategy 24, sets out the development of new housing as a key objective. The new structure also will replace an existing building, which will minimise the impact on the landscape and its character.

These are my views based on the current information available to me and I reserve the right to alter them if more information comes to light.

## **Technical Consultations**

### Trees

There appears to be a large lineal tree feature running east to west, immediately to the south of Raleigh Road. The tree group extends past the southern boundary of the proposed site and location of the proposed bungalow. These trees have the potential (now and more so in the future) to substantially shade the proposed dwelling, possibly to the point that development of a dwelling in this location is not appropriate.

A BS5837:2012 compliant Arboricultural Impact Assessment, Tree Constraints Plan should be submitted, prior to being able to provide further comments on the application.

### Environmental Health

This site is close to nearby residents who may be impacted during the demolition and construction process. Working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum.

### Other Representations

6 representations of support to date:

- Suitable, sustainable housing built to be energy efficient is essential to meet the needs of individuals who are already part of the local community.
- The property is infill and not on green land on the edge of a town and environmentally friendly.
- This is a very considered application and is mindful of existing neighbours which has zero negative impact on the immediate and surrounding area.
- The design makes good use of the existing space. It blends in well with its surroundings and demonstrates how new homes can be both Eco and compact, while still providing spacious living accommodation.
- No negative impact only positive.
- There is a need for smaller dwellings.

At the time of writing the report the consultation period had not expired. The statutory period for consultation, however, will have expired when the application is presented to Planning Committee. Members will be updated at Committee with a short report on any further representations received.

## PLANNING HISTORY

Reference	Description	Decision	Date
23/2485/FUL	Demolition of x2no. outbuildings to be replaced with 2 bed detached chalet bungalow	Refusal	15.02.2024
23/1538/FUL	To erect 2 bed detached bungalow	Refusal	18.09.2023
12/1864/FUL	Construction of detached dwelling (re-submission)	Refusal. Appeal Dismissed	23.10.2012 04.07.2013
12/0031/FUL	Construction of detached dwelling	Refusal	27.02.2012

During the consideration of the recent previous identical application (23/2485/FUL), the following representations were received.

### Local Representations

Town Council : Support

#### Ottery St Mary - Cllr Peter Faithfull

23/01/24 - I am writing in relation to planning application 23/2485/FUL. This application is in my ward and my preliminary view, based on the information presently available is that it should be approved.

While this application may seem rather cramped, it does not look any more cramped than the properties at nos 31 and 32 Raleigh Road. I therefore find it rather hard to justify a refusal.

These are my views, based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

#### Ottery St Mary - Cllr Bethany Collins

23/01/24 - It is my view, based on information in the plans, that this application should be approved.

Looking at the planning history, this current application has addressed previous concerns as outlined in the initial refusal. For example, the footprint of the dwelling is

reduced and does not impose too greatly on the existing property when land is divided. The proposal also provides off road parking with pre-existing access and will not cause concerns with regard to highway safety.

The development should refer to the comments made by Environmental Health to ensure minimal disruption to neighbouring properties.

These are my views based on the current information available to me and I reserve the right to alter them if more information comes to light.

Other representations:

11 letters of support on the following grounds were received:

- It blends in very well with the surrounding area and makes good use of the existing space.
- As it is replacing 2 buildings there is no negative impact.
- Being an ECO house can only be a good thing for the environment.
- It already has its own access so again won't cause any extra parking.
- Suitable, sustainable housing built to be energy efficient is essential to meet the needs of individuals who are already part of the local community.
- Is mindful of existing neighbours.
- Would be good use of already built upon land, providing further accommodation.

**POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-Up Area Boundaries)

Strategy 24 - Development at Ottery St Mary

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

East Devon Villages Plan Development Plan Document

Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill

Policy NP2: Sensitive, High Quality Design

Policy NP3: Infill, Backland and Residential Garden Development

## Government Planning Documents

NPPF (National Planning Policy Framework December 2023)  
National Planning Practice Guidance

Technical Housing Standards

## Site Location and Description

34 Raleigh Road is a semi-detached chalet bungalow, red brick under a red clay roof with grey tile hanging on the front gable, fronting Raleigh Road at the southern junction with Kennaway Road. The proposed site is part of the rear garden, currently occupied by two outbuildings and a parking area. The land slopes gently from north to south. A high clipped Leylandii hedge borders the side and rear garden. Beyond the southern boundary is a stream. There is an existing gated access onto Kennaway Road. The majority of surrounding properties on the estate are semi-detached and detached bungalows.

## Proposal

The proposal is a re-submission following a refusal of permission for a bungalow on the same site. This application also involves the sub-division of the existing rear garden of the semi-detached chalet bungalow and the erection of a bungalow in the area of the existing storage/garden building. The bungalow would face onto Kennaway Road and utilise the existing vehicular access onto this road. The bungalow would have a steep pitched roof with rooflights. A bedroom with en-suite is proposed within the roof space. Two off-street car parking spaces are shown with no turning area so vehicles would have to reverse onto the road.

External materials are:

- Windows and doors : white uvpc
- Walls: grey tile hanging
- Roof: grey concrete interlocking tiles

## Analysis

The main issues to consider are:

- The impact on the character and appearance of the area including design.
- Impact on the amenities of the occupiers of adjoining properties.
- Housing standards.
- Amenities for future occupiers.
- Proposed car parking facilities.
- Appropriate Assessment

## The impact on the character and appearance of the area

Following two previous refusals and an appeal dismissal for a dwelling on this land, this application seeks to overcome the reasons for refusal of a previous scheme (Ref: 23/1538/FUL).

The changes made from the scheme 23/1538/FUL are summarised as:

- The proposed dwelling now includes accommodation in the roof space
- The footprint of the building has reduced
- The design now includes a steeply pitched roof with gable facing Kennaway Road
- The sub-division of the site is such that the site area is smaller, and the host property retains more garden.

As the site is located within the built up area boundary, Strategy 6 (Development within Built-Up Area Boundaries) of the East Devon Local Plan applies. Strategy 6 is an overarching strategy that applies for all development within built up area boundaries. It states that development will be permitted if it is compatible with the character of the area, would not lead to additional pressure on services and would not harm various amenities. Provided the proposal meets the requirements of strategy 6 the application will have policy support.

In summary, the fundamental character question is whether or not the site is too constricted to reasonably accommodate a dwelling without unacceptable adverse impacts. A dwelling was considered unacceptable by the Inspector in the 2012 appeal as having a negative impact on this local environment where the dwellings are regularly spaced and set in what is a mature and pleasant environment. Notwithstanding somewhat higher density development further south, no. 34 is clearly part of the earlier estate which adjoins it on three sides and the addition of a dwelling in the garden would be at odds with and harmful to the established character and appearance of the estate. The 2023 refusal draws the same conclusions and notwithstanding this latest proposal is a bungalow, the same considerations arise and same conclusions drawn. As such, a dwelling here is considered unacceptable as a matter of principle as well as detail.

The National Planning Policy Framework(the Framework) includes the core principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Section 12 of the Framework provides guidance on achieving well-designed and beautiful places. Paragraph 135 of the Framework seeks to ensure developments will function well and add to the overall quality of the area over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. For the reasons explained above, the proposal is contrary to the aims of paragraph 135.

Policy D1 (Design and Local Distinctiveness) is designed to ensure that new development has regard to its context and does not adversely affect the amenity of occupiers of adjoining residential properties. This policy seeks to ensure that development reinforces key characteristics and special qualities of the area, and that development does not adversely affect the significant street patterns, groups of buildings and open spaces.



Under Policy D1- Design and local distinctiveness, in order to ensure that new development is of a high quality design and locally distinctive, proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.

The application site is located within a medium density housing estate of detached and semi-detached properties which dates from the 1970s. The estate features, for the most part, a uniform configuration of plot sizes which respect the size and scale of each dwelling with regularly spaced pairs of dwellings and detached properties facing the road at a uniform distance. Where the road turns a corner dwellings maintain a back-to-back relationship with a separation of about 20 metres. The dwellings are set in what is now a mature and pleasant environment of development of a comparable density.

To accommodate the proposed dwelling would require the sub-division of the existing plot and as a consequence approximately more than a third to less than a half the existing rear garden area would be lost to the new plot with a 7m distance between the rear building line of the existing house and the new boundary. The building and access arrangements to serve it would take up most of the proposed site, leaving only small, fragmented pieces of open outdoor space. The northern elevation of the building would be only c. 3.7m from the boundary (closer to the mature planting) and the lounge window would be only c. 6.3m from the western boundary at the nearest point. The 1.8m high fence proposed on the western boundary would cast shade on the small principal rear garden amenity area proposed, as would the mature planting to the south. The building with steep pitched roof and the boundary fence are to the south of the existing garden to be retained and notwithstanding land level differences, would overshadow the remaining small main rear useable garden of the existing property. The proposal would represent a marked difference in relation to the established plot sizes in the locality and here it would be particularly evident because the reduction in size of the rear garden of the host dwelling would be very prominent and visible in public views from Kennaway Road to the side of the site. As a consequence, the proposal would erode the mature, pleasant environment and fail to reinforce the established character of the area. The addition of a dwelling in the garden, located incongruously in relation to the host building, would be a cramped and discordant feature at odds with and harmful to the established character and appearance of the estate, failing to respect local distinctiveness and local spaciousness. In dismissing an appeal for a dwelling on the site in 2012 the Inspector commented on the principle of the sub-division of the plot and the noted that:

*“The dwellings are regularly spaced and set in what is now a mature and pleasant environment. Although there is somewhat higher density development further south, no. 34 is clearly part of the earlier estate which adjoins it on three sides. The addition of a dwelling in the garden would, in my view, be at odds with and harmful to the established character and appearance of the estate.”*

The existing mature hedge north of the gates is c. 21.7m, the gates 3.7m wide and the existing mature hedge south of the gates c. 10.7m (total flank frontage to the corner c. 36.1m). The new plot would have a frontage measuring c. 19.7m, over half the length of that flank. Only c. 2m of the hedge would be retained at the southern corner, with the rest of the site open, some 17.7m. The hedge boundary to be retained for the existing plot would be c. 16.3m. This equates to a significant widening in the gap in the current hedge from 3.7m to c. 17.7m, i.e. over half of the flank frontage would be open. This is what the previous Inspector considered amounted to harm to the established character, and the proposal gives rise to a similar level of harm.

In this instance, the unusual relationship and close proximity between dwellings, with absence of capacity for replacement planting, would fail to respect the prevailing layout and would have a detrimental impact on the street scene by virtue of appearing poorly related and cramped. Conflict therefore occurs with this criteria and with Government aims to build beautiful.

2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

A bungalow of modern appearance with steeper roof than is a feature of development locally, is jarring within this context. The unusually close relationship and juxtaposition with 34 Raleigh Road, requiring a 1.8m privacy fence only c. 1.4m from the northern boundary of the new dwelling at the nearest point, is uncharacteristic and detrimental to amenity.

Given the constraints of the plot, it is not possible to accommodate a dwelling that respects the key characteristics of local building design, without detriment to the street scene. In trying to address the issue of overdevelopment, compromises are made which detract from the appearance of the development.

3. Do not adversely affect:

a) The distinctive historic or architectural character of the area.

Given the limited size of the site and irregular shape, the independent dwelling with associated parking and amenity space appears conspicuously different to other nearby relationships, and these differences make the bungalow appear harmfully incongruous within the area. Given the requirements of any modern dwelling and the limitations of the plot, the dwelling occupies a significant part of the plot located closer to the boundaries, giving future development an unbalanced and constricted appearance, with an absence of capacity for greening the frontage referred to above.

b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.

Conflict. See 1 above

e) The amenity of occupiers of adjoining residential properties.

Addressed above and in more detail below.

f) 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.

Addressed above and in more detail below.

4. Have due regard for important aspects of detail and quality and should incorporate:

a) Secure and attractive layouts with safe and convenient access for the whole community, including disabled users.

The site would be accessible and would not be unsafe.

b) Measures to create a safe environment for the community and reduce the potential for crime.

The entire frontage is open with no capacity for inward-opening gates without affecting parking provision, leaving the site open. However, no significant issues arise.

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.

Issues could be addressed by conditions.

e) Features that maintain good levels of daylight and sunlight into and between buildings to minimise the need for powered lighting.

The habitable rooms on the south, east and west elevations are close to boundaries. Mature vegetation to the banks of the stream to the south outside the site boundary and other boundary treatment if proposed to the west, and the building itself, will overshadow the garden and windows to a significant extent and natural light to the main living and kitchen accommodation is restricted (a concern also highlighted by the Council's tree officer). The hedge to the front boundary is shown as removed. However, given a bedroom window faces onto the highway it is likely an enclosure would be required which would overshadow the garden and bedroom window on the east boundary in the morning due to the close proximity of the two. This arrangement will not minimise the need for powered lighting. The proposed boundary fence on the northern boundary will overshadow the existing garden.

f) Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

The proposal erodes the existing garden, impacting on outlook onto the main private amenity area, and provides inadequate garden for future occupiers, considered further below. There is an erosion of the established green boundary and little scope

for planting. Rather, there will be increased pressure to remove trees, hedges and planting to increase space and daylight.

The proposed external amenity area is severely compromised in terms of available sunlight and daylight due to the restricted site and closeness of boundary fencing, trees and the overshadowing of the area as a result of the height of the proposed building.

The existing street scene is a green, mature and pleasant environment, an environment which would be irrevocably compromised by the proposed development. As referred to above, the loss of approaching half of the length of the current hedge, resulting in an uncharacteristically wide gap increasing from 3.7m to c. 17.7m, is not consistent with the aims of policy D1.

5. Incorporate measures to reduce carbon emissions and minimise the risks associated with climate change. Measures to secure management of waste in accordance with the waste hierarchy (reduce, reuse, recycle, recovery, disposal) should also feature in proposals during the construction and operational phases.

Issues could be addressed by condition.

7. Mitigate potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction.

Issues could be addressed by condition.

It can be seen that in many respects, there is clear conflict with policy D1.

The limitations of the site are such that development would not be compatible with the character of the site and its surroundings contrary to the aims of Strategy 6 (Development within Built-Up Area Boundaries) and Policies NP2: Sensitive, High Quality Design NP3: Infill, Backland and Residential Garden Development of the Neighbourhood Plan, which include aims similar to policy D1, and conflict with these policies also arise.

#### Impact on the amenities of the occupiers of adjoining properties

The main impact is on the host building, though the garden of no.33 to the west will be overshadowed through the morning to some extent. The property to the south is unaffected, as are those to the east.

The northern elevation of the proposed dwelling features 3 rooflights which are positioned looking towards the garden of 34 Raleigh Road creating a possible perception of overlooking. However it has been confirmed that the minimum floor to cill height is 1.8m which is above eye level, and therefore no direct overlooking will occur.

Due to the overall height of the new dwelling and close juxtaposition to the boundary with 34 Raleigh Road, there would be an unacceptable loss of amenity to existing occupiers. Although the existing dwelling has small outdoor areas to the side, its

principal rear garden and amenity space would be reduced significantly. Though afforded more garden than in the previous scheme, the retained main rear garden would be 7m deep. The new boundary fence and large roof structure of the new bungalow would be to the south of no. 34. As such there would be loss of sunlight and direct overshadowing to this rear garden. The host dwelling has a number of windows on the rear elevation overlooking the new plot and these windows are c. only 7 metres away from the boundary with the new dwelling, c. 11.5m between habitable room windows. Albeit the new dwelling is set at the lower level, outlook would be compromised in addition to the compromised amenity space, with diminished useable value due to the overshadowing arising from the intended relationship between the buildings. This would be mitigated only slightly by the difference in levels between the sites. This unsatisfactory relationship is indicative of the overly cramped nature of the development. The proposal is contrary to policy D1.

### Housing standards

In relation to national housing standards (Table 1), for a 2 bed two storey dwelling, spaces standard is: 3p 70 sqm, 4p 79 sqm with 2 sqm built-in storage for each. The total proposal gross floor area is c. 73.7 sqm. The agent had amended the ground floor bedroom to indicate a one person bedroom and considered the proposal met the National Housing standards. However, it is the bedroom size that dictates whether a room can accommodate one or two people. Both bedrooms had useable floor space for two person occupation and the minimum 79 sqm standard was required to be met.

Subsequently, the scheme has now been further amended to alter the ground and first floor layouts to reduce the size of the ground floor bedroom to the size of a large single and to incorporate under eaves storage within the first floor double bedroom.

The standard requires that:

- a. the dwelling provides at least the gross internal floor area and built-in storage area set out in Table 1 below
- b. a dwelling with 2 or more bedspaces has at least 1 double (or twin) bedroom
- c. in order to provide 1 bedspace, a single bedroom has a floor area of at least 7.5m<sup>2</sup> and is at least 2.15m wide
- d. in order to provide 2 bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m<sup>2</sup>
- e. 1 double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide
- f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m<sup>2</sup> within the Gross Internal Area)

g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all

h. a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m<sup>2</sup> in a double bedroom and 0.36m<sup>2</sup> in a single bedroom counts towards the built-in storage requirement

i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area

The agent has confirmed on the revised plans:

- the internal ground floor area is 54.5 sqm;
- The internal first floor area within the roof space excluding the stairwell, and area below 1.5 m in height is 19.2 sqm, of which 6.95 sqm has headroom of 2.3m, which equates to a total floor space having 2.3m headroom of 61.45 sqm.

This now accords with the standard, including criterion f and g relating to headroom and storage.

Internally the accommodation layout as revised is now of a suitable overall size in accordance with National space standards.

Other shortcomings surrounding the quality of the external amenity space and outlook/ daylighting, concerns remain.

The garden amenity areas for future occupiers are small and overshadowed to a significant extent by close-boarded fencing and existing natural boundary screening within and beyond the site, and by the building itself, providing poor amenity value. Similarly, outlook from and daylight to habitable rooms is compromised by proximity to boundaries and offers a standard of living accommodation which falls below the expectations for modern living. The arrangement would mean rooms are dark with inadequate daylight and will need lights on sooner than might otherwise be the case.

Overall, the accommodation would not meet the modern living expectations of future occupiers for good quality accommodation and is contrary to the aims of section 12 of the Framework for attractive well designed places and Policy D1.

#### Car parking and turning facilities

The access would utilise an existing access and therefore there is no objection on highway safety grounds. Suitable off road parking could be accommodated within the plot for 2 vehicles to prevent parking on the road, albeit there is no turning area and vehicles would have to reverse onto the road. Parking for the existing dwelling is available from the front. In any event on road parking is not restricted in this area. The Highway Officer has not commented but previously raised objection and there is no conflict with Policies TC7 and TC9. This weighs neutrally in the planning balance.

## Appropriate Assessment

The site is located in close proximity to the Exe Estuary and the East Devon Pebble-bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebble-bed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. This proposal is within 10 km of the Pebble-bed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £196.81 per 'dwelling' (S111 identifies dwellings as 'building or part of a building designed for residential occupation') which has been secured as part of this application.

## **CONCLUSION**

There are significant concerns that a dwelling cannot be accommodated within the limitations of the land available without having the adverse impacts described above, due to the constrained nature of the plot. The requirements of modern living for high quality accommodation with good outlook, natural daylighting (both for amenity and energy efficiency) and external garden space, which is functional, useable and attractive, cannot be met. In such circumstances it would result in a poor level of amenity and outlook for future occupants. Furthermore, it would detract from the amenity and outlook currently associated with the existing dwelling significantly reducing the available garden space and creating additional overshadowing of it from the building and boundary fence. Inevitably site constraints are such that a dwelling would have unduly negative impacts on local character and visual amenities, being squeezed into such a small area, too close to the host dwelling, eroding unacceptably the relatively spacious character and mature green appearance of the estate. While more amenity space is afforded to the existing dwelling than in the previous scheme, the reduced garden space would have to accommodate the storage space lost to the new dwelling and the compromised garden space available results in a poorer living environment for existing occupiers than is presently the case.

Given the above, the proposal would inevitably result in an alien addition within an area that is defined by its residential homogeneity and spaciousness. While impacts are localised, development would be contrary to the aims of Strategy 6 and Policies D1, NP2 and NP3 to respect the key characteristics and special qualities of the area in which the development is proposed and respect the urban form in terms of street pattern, the grouping of buildings and open spaces/ greenery, along with protecting amenity. As a matter of principle and detail, there is insufficient space for a high

quality design that responds positively to and reflects local characteristics and that of the identity of the site and surrounding area, thereby not reflecting objectives of the Framework, including paragraph 135. The proposal will inevitably erode the mature and spacious character of the area and is unacceptable as a matter of principle and detail.

## **RECOMMENDATION**

REFUSE for the following reason:

1. The proposal to erect a detached dwelling involving sub-division of the plot would give rise to a cramped, incongruous and contrived form of development having an awkward, arbitrary, conspicuous and visually disruptive relationship with neighbouring properties that would detract discordantly with the surrounding development. It is symptomatic of an overdevelopment which would unacceptably and inevitably erode the mature and spacious character of the area, and impact negatively on the living conditions of future occupiers due to poor outlook, daylight and outdoor amenity space. By reducing the size of the garden of the host property significantly and from overshadowing of it by the building and boundary fence, it would unacceptably harm the living conditions of existing occupiers. The proposal is therefore contrary to Strategy 6 (Development within Built-Up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, Policies NP2 (Sensitive, High Quality Design) and NP3 (Infill, Backland and Residential Garden Development) of the Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill and paragraph 135 of the National Planning Policy Framework.

## NOTE FOR APPLICANT

Informative: Confirmation - CIL Liable

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

Any queries regarding CIL please email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

### Plans relating to this application:

220141-100 C	Proposed Site Plan	22.02.24
220141-102 B	Proposed Combined Plans	22.02.24
	Location Plan	22.02.24
220141 : services	Other Plans	22.02.24
220141-101 A	Street Scene	22.02.24

### 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.