

**Ward** Seaton

**Reference** 24/1849/FUL

**Applicant** Kerri-Ann Betty

**Location** 30 And 32 Queen Street Seaton EX12 2RB

**Proposal** Proposed demolition of existing upvc conservatory and construction of single storey rear extension with roof terrace above



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 25.03.2025</b>
<b>Seaton (Seaton)</b>	<b>24/1849/FUL</b>	<b>Target Date: 30.10.2024</b>
<b>Applicant:</b>	<b>Kerri-Ann Betty</b>	
<b>Location:</b>	<b>30 And 32 Queen Street Seaton</b>	
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**RECOMMENDATION: REFUSE**

### **EXECUTIVE SUMMARY**

**This application is before Committee as the officer recommendation is for refusal, contrary to the view of a Ward Member supporting the proposal.**

**The application relates to a proposed ground floor rear extension of a shop at 30 Queen Street within the town centre of Seaton. The external walls of the extension would extend vertically above its roof level, with a vertical obscure glazed screen on the top of the walls, to create an enclosed first floor terrace to serve the existing flat located above the shop (32 Queen Street). The site area is currently a garden serving 32 Queen Street. The site is located within an area of dense development containing a mixture of residential and commercial uses. The buildings attached to the north and south of the site are each used for a mixture of residential and commercial uses, with several residential dwellings being adjacent to the site to the northwest through to the south.**

**The erection of an extension is acceptable in principle as it is within the Built Up Area Boundary of the town. The extension and walled roof terrace would however be located close to neighbouring dwellings, particularly 12 and 13 Woodbine Place to the south. Due to its height, form and proximity it would potentially have an overbearing impact on those dwellings and cause a loss of outlook and loss of daylight/sunlight to them. From the submitted plans the relationship with these dwellings is difficult to understand and whilst the Local Planning Authority requested further scaled section plans to address this, these have not been provided. Whilst a sunlight/daylight assessment was submitted during the course of the application, some of the assumptions made in this assessment are unclear and it omits assessment of potentially affected indoor and outdoor areas neighbouring dwellings. In addition, due to its scale, form and design, the proposed extension would fill most of the space at the rear of 30 Queen Street (which is currently a garden serving the 32 Queen Street) and it**

would have a stark block-like appearance of excessive visual mass in relation to its plot, such that it fails to take into account the surrounding architectural character. For similar reasons it is considered, on the Conservation Officer's advice, that the proposal fails to conserve and enhance the conservation area. The proposal is therefore considered to be harmful to residential amenity and of poor design and to conflict with Policy D1 and EN10 of the Local Plan.

The proposal also lacks justification for the proposed surface water drainage to the main sewer and information as to reliable arrangements for storage of commercial waste, contrary to Policies EN22 and E2 of the Local Plan.

Although the proposal would support a small business, the local economy and make a positive contribution to the vitality of Seaton (as identified by a number of supporters of the application) the identified harms are considered to be significant and to outweigh these benefits. As such the application is recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

Seaton- Cllr Derek Haggerty

23/12/2024

I would be happy to agree to this application,  
However if it comes before committee, I'm would have an open mind to discuss,  
debate, to make a full decision

Town Council

13/2/25

Having studied the amended plans and the additional information submitted for this application which clearly shows that the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties and the scale, massing, density, height, fenestration and materials of the extension relate well to their context and would not affect the amenities of occupiers of adjoining residential properties Seaton Town Council has no objections to the amended plans submitted for this application.

8/1/25

Seaton Town Council object to the amended plans for this application.

Reasons for the objection:

Seaton Town Council object to the amended plans submitted for this application which relate to amended existing and proposed floor/elevations and amended plan: P200-D proposed floor plan and elevations.

The Town Council cannot support this application due to the impact the proposed roof terrace and height of the proposed new walls for the roof terrace will have on the amenities of occupiers of adjoining residential properties by way of noise and

disturbance, overlooking, loss of privacy and overshadowing. Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

The courtyard area at the rear of 30 & 32 Queen Street is an enclosed space and the proposed height of the walls for the rear extension and roof terrace will encroach on the amenities of occupiers of adjoining residential properties due to loss of light, loss of privacy and noise associated with the use of the roof terrace during the day and night.

Therefore, this application does not adhere to Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan and could also be considered as overdevelopment of the small rear courtyard.

16/10/24

Seaton Town Council have no objections to this application.

### **Technical Consultations**

#### **Environmental Health**

30/1/25

The submitted Daylight and Sunlight Assessment shows that window 10 of 12 Woodbine Place is the most affected window in terms of impact from the proposed development. This window leads directly onto a habitable room, living room (as shown on Rightmove) but I cannot see the results of the Daylight Distribution test on window 10 or any justification for not doing a sunlight to window test for windows 10 & 11 of this property. This information is required before any recommendation can be made.

10/12/24

To assess the level of adverse impact from the development on the daylight, sunlight and overshadowing on surrounding sensitive properties, a Daylight and Sunlight Assessment must be carried out and submitted to the Local Planning Authority. This information is required before I can make any recommendation.

#### **Conservation**

24/2/25

(The below is a summary of responses received, full comments are at Appendix 1)

Amendments received 28.01.2025

The amendments reduce the solid balcony wall by approx. 1.5m and include a 0.5m frosted glazed screen mounted on the now reduced solid wall, however concerns remain that the built form continues to present itself as a dominant and uncharacteristic utilitarian addition, in its setting which on account of scale (height) and design, fails to preserve the setting of Seaton Conservation Area.  
Recommendation: Amendments recommendation: Not support.

17/1/25

The terrace row of which the site is part contributes to the built evolution of Seaton's conservation area since at least the late 19<sup>th</sup> century. The rear of Queen Street is characterised by ad-hoc additions typical of what would be expected at the rear of commercial or retail units, which have evolved over time. The proposed new build would be seen in glimpsed views from the rear of Queen Street which contribute to how the historic and architectural interest of the conservation area is experienced. The proposed design, due to its solid balcony walls terminating at the top floor window lintels, would result in the uncharacteristic addition of a solid block to the rear of the terrace which would fail to preserve the setting result in less than substantial harm to the significance of the conservation area as a designated heritage asset. Recommendation: Not support.

#### Other Representations

Objections were raised by 2 parties raising the following concerns:

- The proposal does not include drawings of the closest neighbouring property, 12 Woodbine Close, making it necessary to estimate impacts;
- The mass of the extension is excessive given the surrounding context of closely spaced dwellings;
- The proposal conflicts with the guidance contained within the Council's Design Guide in relation to the scale of extensions close to a shared boundary;
- Impact on light/sunlight reaching neighbouring properties such that a lighting survey is required, and has not been provided;
- The lighting survey (which was subsequently submitted) contains discrepancies including not including certain windows, a courtyard and living space;
- Impact on outlook of a neighbouring property;
- Noise and odours from the use of the roof terrace;
- Loss of privacy to neighbouring property;
- Neighbouring roof terraces do not set a precedent as that of neighbouring 34/26 Queen Street is lower and other roof terraces in the area do not have facing properties to the side, as in this case;
- There is no existing rendered wall for the proposed render to match with, as proposed;
- The application refers to harmonising with Belmont House but this is some distance from the site and has no connection with it;
- The Heritage Statement does not take into account the glazed screen, which is unsympathetic to the area;
- Proposal has a box like appearance, causing harm to the conservation area;
- No 30 Queen Street would lose its entire outside space;
- The extension would have limited light;
- The amended drawings P200 rev E do not overcome the concerns raised;
- Structural damage could occur to footings and drainage system of neighbouring property;

Some points relating to matters of procedure were also raised, as follows:

- No existing floor plans were submitted;
- South elevations are missing;

- The application form has been incorrectly completed in relation to residential units;
- Separate planning applications should have been made for 30 and 32 Queen Street;
- Not all the application documents refer to both 30 and 32 Queen Street;

Support was expressed by 33 parties who made the following points:

- The expansion of the shop would:
  - o bring more visitors to the area, with associated benefits to the local economy;
  - o enable an independent family business to grow;
  - o would support increased employment;
  - o would support high street vitality.
- The proposal supports the business which serves as a community hub, provides access to disabled people and provides services related to well-being;
- Neighbouring properties have undergone similar extensions and as such that the proposal would be in keeping with the character of the area;
- The rooftop terrace would provide necessary outdoor space for dwelling occupants;
- There will be no impact on neighbouring dwellings;
- Construction disturbance would be temporary.

## **PLANNING HISTORY**

Reference	Description	Decision	Date
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None available

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies (LP)

Strategy 6 (Development within Built-up Area Boundaries) Adopted

Strategy 31 (Future Job and Employment Land Provision) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN10 (Conservation Areas) Adopted

E2 (Employment Generating Development in Built-Up Areas) Adopted

E9 (Town Centre Vitality and Shopping Areas) Adopted

EN22 (Surface Run-Off Implications of New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies (emerging Local Plan – eLP)

The following policies of the emerging local plan are relevant to the proposal but currently have limited weight in planning decision making:

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy CC06 (Embodied carbon) Draft

Policy SE01 (Employment development within settlement boundaries) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Strategic Policy HE01 (Historic environment) Draft

Policy HE03 (Conservation Areas) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

Other Documents

Beer Quarry & Caves Special Area of Conservation (SAC) Habitats Regulations Assessment Guidance

BRE Guide (Building Research Establishment) 'Site layout planning for daylight and sunlight – a guide to good practice' (2022/3rd edition)

**Site Location and Description**

The site is a 2.5-storey mid terrace building comprising a shop at the ground floor (number 30) and a flat above (number 32). It fronts onto Queen Street and is located within Seaton's town centre, the Built Up Area boundary of Seaton and within a Conservation Area. The application building is attached to 34 and 36 Queen Street to the north and 26 and 28 Queen Street to the south. The attached buildings are similarly in commercial use at the ground floor and have flats above. To the rear of the application building lies a small garden which is currently in use ancillary to the occupation of number 32. There is no vehicular access into the site. A small conservatory is attached to the rear (west) façade of number 30. At the front of the building (on its eastern façade) a door to the north of the shop frontage leads into a covered hallway, which emerges into an alleyway, from which the rear garden can

be accessed via a gate. The rear garden is at a lower level than the adjoining ground level to the west and south and is fully enclosed by the rear of the building on its eastern side and tall timber fencing on top of block retaining walls on the other 3 sides. To the northwest and southwest of the site lie some of the dwellings of Woodbine Place, which are attached 2-storey dwellings arranged in small blocks. A private pedestrian path serving 10 of the dwellings of Woodbine Place runs immediately alongside the western and southern boundary of the site. Of the Woodbine Place dwellings, numbers 11, 12 and 13 are the closest to the site. Number 11 has a side elevation which is parallel to rear boundary of the site, offset to the north. Its rear garden flanks the path which running alongside the rear boundary of the application site, approximately 1.7 m away. Numbers 12 and 13 abut a different section of the path bounding the rear garden of the application site. Their principle elevations face directly towards the rear garden at the site, their distance from the site's southern boundary being approximately 1.3 m and 1.5 m respectively.

The surrounding context of the site is an intimate network of town centre streets and paths, dense mixed commercial and residential development with small pockets of open space. There is a public car park approximately 36 m to the west of the site and a public footpath, Seaton Footpath 25, runs approximately north-south through that car park. There are four Grade II listed buildings in the area around the site though they are separated from it by several intervening buildings.

The site also lies within the bat consultation area of the Beer Quarries and Caves Special Area of Conservation.

### **Proposal**

It is proposed to demolish the conservatory at the rear of the site and construct a single storey extension to the shop, almost completely filling the rear garden area. At the same time, it is proposed to create a terrace on the roof of the extension, which would be accessed from the first floor flat, number 32, via a new external door and step (the terrace being at a lower level than the internal first floor). Minor changes to the fenestration at the rear of the flat are also proposed. The new extension would have ground floor windows on its northern façade, facing towards the alleyway but no windows in other facades. The external wall of the development would have a render surface, which it is stated would match existing walls. The side walls of the extension would extend upwards to form a wall around the edge of the roof terrace, which is intended to provide safety and privacy. The depth of the extension from the rear of the existing building would be approximately 6.5 m, and it would be approximately 6.1m wide. Following the initial submission of the application the proposal has been revised with the height of the solid part of the external walls enclosing the terrace being lowered from approximately 2.4 m above the terrace floor level to approximately 1.4m above it, with a resulting total height of 4.1 m above the ground level of the extension. As part of the revised proposal a 0.5 m high obscure glazed vertical screen would be installed on top of the walls, extending to approximately 1.9 m above the terrace floor level, with the top of the screen being approximately 4.6m above the ground level of the extension.



Since the application was initially submitted a missing south elevation drawing has been provided with annotation added to indicate the floor levels of the terrace and first floor flat.

The applicant has confirmed that the proposed use of the terrace would be ancillary to the residential occupation of number 32 Queen Street. It has also been confirmed that the existing timber fence around the garden would remain and that the extension would be built between the existing retaining walls within the garden.

The application is supported by a Heritage Statement and during the course of the determination a Sunlight and Daylight assessment was submitted in response to concerns raised.

## **ANALYSIS**

The main issues for consideration include the principle of the proposal, heritage and visual impacts, impact on residential amenity and drainage.

### **Principle**

The location being within the Built-Up Area Boundary of Seaton the development is acceptable in principle in accordance with LP Strategy 6 and eLP Strategic Policy SP05. The proposal would extend an existing commercial premises which would support the expansion of a business, in turn supporting the local economy and the provision of employment. Given that the site is within a mixed residential and commercial area the proposal is supported in principle by LP Policy Strategy 31, given that this policy provides general support for the provision of employment close to where people live. LP Policy E2 supports the expansion of existing businesses in principle and sets out certain criteria to be met, which are discussed under the headings below. eLP Policy SE01 sets out similar requirements.

### **Heritage and Visual Impact**

LP Policy D1 requires that proposals respect the key characteristics and special qualities of the area in which a development is proposed, that the scale, massing, density height and materials relate well to their context and that proposals do not adversely affect the historical character of the area. eLP Strategic Policy DS01 imposes similar requirements. Given that the site is within a conservation area LP Policy EN10 and eLP Policy HE03 are also relevant, with both policies requiring that development would preserve or enhance the appearance and character of a Conservation area. LP Policy E2 requires that an extension to a business blends into the townscape in terms of design, siting and materials and that it would not harm the character or setting of settlements or any building of historic interest. In considering whether to grant consent for any works the Council also has a statutory duty under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving and or enhancing the significance of a heritage asset. Paragraph 212 of the National Planning Policy Framework [NPPF] explains that great weight should be given to the conservation of designated heritage assets and paragraph 215 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

The proposed extension, with its vertically extended walls around the roof terrace above, would have a large visual mass relative to the scale of the plot. It would have expansive blank external facades facing south and west, due to both its scale and the lack of windows, detailing or articulation on these facades. Although neighbouring properties to the north have been extended at the ground floor (permission having been granted for a rear extension at 34 Queen Street on 28/6/93 and 38/40 Queen Street on 8/12/99), the extensions are not of the same scale as the extension proposed in this application and neither do they have the same relationship of mass to plot size as the proposed extension (as an aside, it is noted that the proposed site plan showing the layout of rear extensions of neighbouring properties to the north appears to be inaccurate, depicting them as extending closer to their rear boundaries than appears to be the case in reality). It is therefore considered that the proposal would have an excessively massive, stark, utilitarian and block-like appearance, which fails to respect the architectural character of its surroundings.

Whilst not indicated on the proposed scaled elevation plans, the applicant has indicated that the existing timber fence around the perimeter of the rear garden would remain in place. It is acknowledged that this would be likely to partially screen the blank walls of the extension and could help to visually reduce the expanse of its blank walls, however the height of the fence to be retained has not been indicated on the scaled elevation plans and nor have surrounding ground levels been shown relative to the base of the extension, so the degree of screening which the fence would provide is unclear. Notwithstanding that the retained timber fence would have a partial screening effect, the proposal would nevertheless introduce a solid, built form with blank walls (on the most visible western and southern elevations) which would be close to and project above the top existing fence, such that it would appear excessively massive and stark within its context. It is therefore considered that the proposal does not represent high quality design and that it fails to accord with the requirements of LP Policy D1.

With regard to materials, it is noted that an objector raises a concern that the proposed rendered wall surface would not match the existing building. Whilst the planning authority could have sought further details regarding the proposed external material to ensure that it would match or complement the existing building (or could impose a condition on any grant of permission to ensure that the surface material would be suitable) as the proposal was considered unacceptable for other reasons this has not been done.

Given that the site is located within the Conservation Area the conservation officer has been consulted on both the original and revised proposal. In her comments she describes that the terraced row, in which 30 - 32 Queen Street is located, forms part of and makes a contribution to the built evolution of Seaton's Conservation Area since at least the late 19th century, forming part of the historic core of the area representing much of the pre-resort settlement. She acknowledges that the modern signage to the shopfronts along this part of Queen Street have to some extent compromised the character of these unlisted historic buildings although it is understood that the shopfronts below the signage probably date from the 1930's or possibly earlier. With regard to the rear of Queen Street, she notes that this is characterised by ad-hoc additions typical of what would be expected at the rear of

commercial or retail units, which have evolved over time to accommodate their use, including the introduction of single storey roof extensions. The officer notes that when utilised as first floor balconies, the addition of open railings and domestic vegetation goes towards softening the rear aspect of the terrace and how this is experienced in immediate views. It is noted that glimpsed views of the rear of the application site are available from the public car park and area of later development forming the boundary of the conservation area and that these contribute to how the historic and architectural interest of the conservation area is experienced.

The conservation officer considered that the original proposal would have resulted in a solid block at the rear of the terrace, which would be an uncharacteristic addition failing to preserve the setting and resulting in less than substantial harm to the significance of the conservation area. Having considered the proposed amendments to the proposal she notes that the solid balcony wall is reduced in height by and that there is now an obscure glazed screen on top of the wall, terminating at the mid-point of the main window addressing the balcony. Notwithstanding these amendments, however, she remains concerned that the proposal would be a dominant and uncharacteristic utilitarian addition which, due to its height and design would fail to would fail to preserve the setting of Seaton Conservation Area.

Overall, the proposal is considered to be of an inappropriate design within its context which fails to conserve or enhance the character and appearance of the conservation area, contrary to the requirements of LP Policies D1, EN10 and E2 and eLP Policies DS01 and HE03.

### **Residential Amenity**

LP Policy E2 01 requires that the expansion of an existing business does not harm the amenity of nearby residents and similarly eLP Policy SE01 requires that land uses do not give rise to adverse amenity impacts. LP Policy D1 and eLP Policy DS01 also require that development does not adversely affect the amenity of occupiers of adjoining residential properties.

The existing ground floor use is as a shop (within use class E) and no adverse amenity impacts are anticipated to arise in relation to the expansion of that use. The proposed ground floor side windows of the extension would not overlook neighbouring windows or a private garden area of neighbouring property. The proposed height and mass of the overall built form of the extension, with its vertically extended roof terrace walls, does however have the potential to impact on the amenity of the neighbouring dwellings in close proximity to it, in several ways. Whilst the roof terrace wall and glazed screen would prevent views from the terrace into the windows of neighbouring properties, thus protecting the privacy of adjoining dwellings, due to the height the development and its proximity to the front windows of numbers 12 and 13 Woodbine Place the development has the potential to have an adverse impact in terms of being overbearing and causing a loss of outlook and light to these properties (though the extent of potential impact on number 13 is likely to be less than at number 12, given that its frontage is slightly offset relative to the development). From the submitted plans it is difficult to understand the precise relationship of the proposed extension/terrace with these neighbouring dwellings, as neighbouring dwellings are not illustrated on the elevation drawings and no scaled section drawings through the development and have been provided either. To

enable this relationship to be more clearly understood, on 12/11/24 the planning authority requested that specific section drawings be provided, however no such plans have been provided. A perspective drawing of the development and neighbouring dwellings, P900, has been provided, however this is not to scale and neither does it show the parts of the neighbouring dwellings which are potentially the most impacted in relation to overbearing impact and loss of outlook and light, namely the frontage of 12 and 13 Woodbine Place. This drawing is therefore of limited use in assessing these potential impacts. Whilst other 3 dimensional drawings using different viewing angles are included within a sunlight/daylight assessment report (which was submitted during the course of the determination), these are similarly not to scale, their 3 dimensional nature and lack of certain details makes it difficult to understand some features of in relation to each other and they do not include the glazed screen. These 3 dimensional drawings are therefore also of limited use in assessing the amenity impacts of the proposal, particularly given that the glazed screen is part of the built overall form and would need to be taken into account in assessing those impacts.

Having assessed the revised plans and sunlight/daylight report the environmental health officer has noted that the report does not provide a daylight distribution assessment of the most affected window of 12 Woodbine place which serves a habitable room (a ground floor living room), which should be taken into account<sup>1</sup>. He also considers that not all potentially affected windows been assessed in relation to sunlight, however the consultant who produced the report has pointed out that all windows for which a sunlight assessment is relevant (in accordance with relevant guidance<sup>2</sup>) have been assessed and this point is accepted. It is also unclear from the report whether the assessment has taken into account the potential shading effect of the obscure glazing (it is noted that the glazing is not shown on the drawings included in the report nor does the report specifically state whether or not the glazing has been discounted from the assessment). If the effect of glazing has been discounted it is considered that this should have been explained and justified, with reference to the extent to which such glazing would block light transmission, particularly given that the glazing panels would be installed along the entirety of the top of the terrace wall and that they add approximately 0.5 m to its height.

An objector points out that daylight distribution assessment was missed out for windows referenced 8 and 9 in the report, however in accordance with the guidance<sup>2</sup> on which the assessment was based, given that those windows serve a hallway (which constitutes a 'circulation area') a daylight distribution test for them was not necessary. An objector also points out that the front courtyard of 12 Woodbine Place (to the north of that property) has also not been taken into account in assessing the overshadowing of gardens and open spaces. Although this courtyard space is very small, it is nevertheless a private open space, as is the small adjacent courtyard to

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<sup>1</sup> Paragraph 3.4.9 of the sunlight/daylight report indicates that additional daylight distribution data could be provided at the request of the Local Planning Authority if room layout information is confirmed, however all the information the Council possesses relating to room layouts of neighbouring dwellings is published by the Council on its website. If any further survey work is necessary in order to enable a comprehensive daylight/sunlight assessment to be completed, it would be the responsibility of the applicant/their appointed consultees, not the Local Planning Authority, to undertake that survey work.

<sup>2</sup> Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition' by P J Littlefair 2022

the front (north) of 13 Woodbine Place (in fact, these small courtyards are the only external spaces associated with those properties). It is therefore considered that these courtyards should have been taken into account in the assessment. Considering all the above points, there is doubt that the submitted daylight/sunlight assessment is complete and doubt that its conclusion (that the proposal would have no adverse impact in relation to daylight/sunlight) can be relied upon. Consequently, on the basis of the information provided it is considered that that application would potentially have an adverse impact on the amenity of neighbouring dwellings in relation to daylight/shading.

Turning to the amenity of the application dwelling itself (32 Queen Street) the internal space of the flat would be unchanged through the proposal. The provision of a terrace would compensate for the loss of outdoor space resulting from building over the garden area, but as this dwelling has convenient access to public open spaces nearby, the provision of compensatory outdoor space would not be considered essential, in planning terms. An objector suggests that the shop extension would have limited natural light however it is not considered that this would harm the amenity of the rear of a shop, given that a shop does not have a reasonable need for daylight.

An objector raises concerns that the domestic use of the terrace would give rise to impacts on the amenity of neighbours in relation to noise and/or odour however it is not considered that the reasonable domestic use of the terrace would give rise to noise and odour to a significantly greater degree than could already arise from that use within the existing garden. An objector also raises a concern that through replacing the garden, the proposed build would remove ground floor storage space for bins. It is considered that the flat could store domestic bins on the roof terrace (without necessarily causing either odour or pest nuisances) however no external space is indicated on the plans for the storage of bins associated with the ground floor commercial use. The applicant has indicated that bin storage arrangements would remain as existing, with bins being stored in the alleyway to the north of the site, however, a plan included in a current planning application for the premises on the northern side of that alleyway, 34 and 36 Queen Street (planning application reference 24/2715/FUL) indicates that alleyway is not within the ownership of the applicant (for the application subject to this report). It is therefore unclear whether this arrangement can be relied upon. Whilst the Local Planning authority could have sought further information on this issue, this has not been done as the proposal is considered unacceptable on other grounds. On the basis of the information submitted it is considered that inadequate provision is made through the proposal for the storage of waste from the commercial premises, and the storage of such refuse would potentially impact on the residential amenity of the neighbouring dwelling to the north, 36 Queen Street.

Overall, on the basis of the information submitted it is considered that the proposal would potentially have an adverse impact on neighbouring residential amenity in relation to outlook, being overbearing and impact on daylight and that the proposed development would itself have inadequate amenity in relation to storage of commercial waste, in conflict with the requirements of LP Policies D1 and E2 and eLP policies DS01 and SE01.

### **Drainage**

The erection of the proposed extension and roof terrace would involve the creation of a impermeable roof/terrace surface. Whilst the existing garden is noted to be partly surfaced with impermeable concrete it is estimated that the new roof surface would be slightly larger than this area and that some degree of additional surface water drainage is likely to be generated. LP Policy EN22 requires that the surface water implications of new development be fully considered and the pre-amble to that policy states that sustainable urban drainage systems should be the first consideration when designing for surface water run off. The application proposes disposal of surface water to the mains sewer without reference to considerations of sustainable urban drainage systems or any explanation as to why this would be impractical. In the case that the application were to be approved, it is recommended that a condition be imposed to require details of sustainable drainage measures, or, if these are considered to be impractical, details explaining why this is the case and justification for the discharge of surface water to the main sewer , in order to comply with the requirements of LP Policy EN22.

### **Other issues**

Given that the expansion of the shop is relatively small scale it is not considered that it would generate a significant increase in vehicular traffic in the area. The shop is well located in relation to customer access via sustainable modes of transport. The proposal is therefore considered to be compliant with LP Policy E2 with regard to accessibility and traffic,

The demolition of the conservatory and the building works to construct the extension are considered unlikely to impact on bats or other protected species. Whilst the site is within the bat consultation zone of Beer Quarries and Caves SAC, the proposal would take place within a small, largely hard-surfaced courtyard within a lit urban area and as such, the development would be unlikely to impact on bat foraging or commuting habitat. For these reasons an Appropriate Assessment under the Habitats Regulations has not been carried out in relation to this proposal. The development is exempt from Biodiversity Net Gain requirements. Overall, no adverse impacts are anticipated in relation to ecological issues such that the proposal is compliant with LP Policies EN5 and EN9 and eLP Policy PB01.

An objector raises a concern with regard to the impact of the proposal on adjacent private drainage infrastructure and buildings in relation to structural stability, however as liability for damage impacts on private structures is a civil matter, this issue is not considered further in this report.

### **Procedural matters**

An objector raises concern as to whether the correct planning procedure was followed in making this application as it relates to two different addresses/planning units, however it is acceptable for a planning application to cover more than one address or planning unit. With regard to other concerns relating to the plans and application form it is confirmed that the application form has been correctly completed in terms of residential units (the number of which would be unchanged through the proposal) and that existing floor plans have been provided. Whilst a

southern elevation drawing was initially missing from the application this was subsequently provided. In response to an objector's concern that the submitted documents only refer to one of the two addresses comprising the site it is considered that it is sufficiently clear that the supporting documents relate to the entirety of the application and that this covers both addresses.

The Local Planning Authority note that the site plan P100 may not accurately depict the layout of the rear extensions of the two neighbouring properties to the north, as other information available suggests that these extensions do not extend as far west towards their rear boundaries as shown on that plan. This possible discrepancy has been borne in mind in assessing the application, particularly in relation to how the proposal relates to the character of adjoining development. It is also noted that the west elevation of the proposed extension is wrongly labelled as the east elevation. Given that the application is recommended for refusal the applicant has not been requested to review/correct these plans. It is not considered that the incorrectly labelled elevation has affected the interpretation of the proposed development.

### **Conclusion**

The proposed shop extension would support the expansion of an existing small business and make a contribution to the local economy, employment and town centre vitality. Due to the design, form, siting and scale of the extension in conjunction with the proposed roof terrace, however, and in the absence of information demonstrating otherwise, the proposed development would have an adverse impact on the amenity of neighbouring dwellings in relation to the outlook of those dwellings, having an overbearing impact and causing loss of daylight. In addition, due to its form, design and scale the proposal is considered to be out of keeping with the surrounding area and to fail to conserve and enhance the character and appearance of the conservation area. The proposal is also considered to be unacceptable due to the lack of detail of reliable arrangements for the storage of commercial waste. On balance, the harms of the proposal are not considered to outweigh its benefits and it is not considered that it represents sustainable development.

### **RECOMMENDATION**

REFUSE for the following reasons

1. The proposed extension and roof terrace is situated close to 12 and 13 Woodbine Place and due its form, siting and scale, in the absence of information demonstrating otherwise, the extension it would have an overbearing impact on those dwellings, would harmfully reduce their outlook and would cause harmful loss to daylight to them. Due to these adverse impacts on amenity the proposal conflicts with Paragraph 135 of the National Planning Policy Framework and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
2. Due to its form, design and scale the massing of the proposed extension and roof terrace is excessive in relation to its plot and has a stark utilitarian appearance, which is out of keeping with the character of the surrounding area and fails to conserve and enhance the character and appearance of the conservation area. The proposal therefore conflicts with Paragraph 212 of the

National Planning Policy Framework [NPPF] and Strategy 6 (Development within Built Up Area Boundaries), Policy D1 (Design and Local Distinctiveness) and Policy EN10 (Conservation Areas) and E2 Employment Generating Development in Built-Up Areas) of the East Devon Local Plan.

3. In the absence of information pertaining to arrangements for the storage of commercial waste on land within the applicant's ownership (or information as to why other land can be reasonably used for that purpose by the applicant) the storage of commercial waste is considered to harm the amenity of nearby residents in conflict with the requirements of LP Policy E2 (Employment Generating Development in Built-Up Areas) of the East Devon Local Plan.

#### NOTE FOR APPLICANT

##### 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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

##### Plans relating to this application:

	Location Plan	04.09.24
P-200 Rev E	Proposed Floor Plans	28.01.25
P100	Proposed Site Plan	04.09.24

##### 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.

## **Appendix 1**

### Conservation Officer Comments

24/2/25

Amendments received 28.01.2025 - to be read in conjunction with conservation comments provided on 17.01.2025

24/1849/FUL

30 And 32 Queen Street, Seaton, EX12 2RB

Proposed demolition of existing upvc conservatory and construction of single storey rear extension with roof terrace above

The amendments to this proposal have gone towards addressing previous comments, by reducing the solid balcony wall by approx. 1.5m. These amendments include a 0.5m frosted glazed screen mounted on the now reduced solid wall, the overall height of the balcony terminating midpoint of the main window and/ or door addressing the balcony.

Whilst these amendments are welcomed, concerns remain that the built form continues to present itself as a dominant and uncharacteristic utilitarian addition, in its setting.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of Seaton Conservation Area.

In line with the National Planning Policy Framework Section 16 para. 219 it is considered that the proposed development, on account of scale (height) and design, fails to preserve the setting of Seaton Conservation Area.

With respect to any buildings or other land in a conservation area there is a duty placed on the Council under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Recommendation: Amendments not support.

SLG

24.02.2025

17/1/25

## CONSERVATION CONSULTATION ON PLANNING APPLICATION AFFECTING A CONSERVATION AREA.

24/1849/FUL

30 And 32 Queen Street, Seaton, EX12 2RB

Proposed demolition of existing upvc conservatory and construction of single storey rear extension with roof terrace above

### Significance - Seaton Conservation Area

The terraced row comprising 30 - 32 Queen forms part of, and makes a contribution to, the built evolution of Seaton's Conservation Area since at least the late 19th century. Centring around Fore Street, Queen Street and Manor Road, which forms the historic core of the area and represents much of the pre-resort settlement.

In context, no 30-32 Queen Street is typical of the terraces within the commercial core including shopfronts at ground floor and residential above. Whilst acknowledging the modern signage to the shopfronts along this part of the street has to some extent compromised the character of these unlisted historic buildings, the shopfronts below the signage, it is understood probably date from the 1930's but could be earlier.

In respect to the value attributed to the rear of No's 30-32 Queen Street, this is characterised by ad-hoc additions typical of what would be expected at the rear of commercial or retail units, which have evolved over time to accommodate their use. Including the introduction of ground floor flat roof extensions, utilised as first floor balconies including open railings and domestic vegetation, which goes towards softening the rear aspect of the terrace and how this is experienced in immediate views. Which includes a later 6 residential unit development orientated on a west-east axis within the former rear plot of the terraced houses.

The orientation of the new build is such that it allows glimpsed views of the rear of No 30 - 32 Queen Street, from the public carpark and later development which forms the boundary of the of the conservation and in turn contributes to how the historic and architectural interest of the conservation area is experienced.

### Impact of proposed works

It is proposed through this application to introduce a rear flat roof extension with balcony above, whilst this approach is characteristic of the rear of an urban mixed use terrace, the design detail adopted through this application, which includes solid balcony walls that terminate at the top floor windows lintels, would result in a solid block, an uncharacteristic addition that fails to preserve the setting and to a lesser

extent result in less than substantial harm to the significance of the conservation area as a designated heritage asset.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving and or enhancing the significance of a heritage asset.

Paragraph 212 of the National Planning Policy Framework [NPPF] explains that great weight should be given to the conservation of designated heritage assets. Paragraph 215 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal. In this respect the proposed development fails to preserve the setting and to a lesser extent result in less than substantial harm to the significance of the conservation area as a designated heritage asset.

Recommendation: Not support.

Sarah Leete-Groves

17.01.2025