

AGENDA ITEM

**PLANNING COMMITTEE
1 April 2015**

REPORT OF THE HEAD OF PLANNING AND REGENERATION

14/02077/FULL - ERECTION OF A DWELLING WITH PARKING AND ASSOCIATED ACCESS (REVISED SCHEME) - 11 UPLOWMAN ROAD TIVERTON DEVON EX16 4LU

Description of Development:

The application is for the erection of a single storey dwelling in the rear garden of a detached dwelling on the corner of Uplowman Road and Pomeroy Road. The proposed dwelling would be a three bedroom bungalow with rooms in the roof space. Materials are proposed to be rendered walls, artificial slate roof and white UPVC windows and doors.

The proposed dwelling would have two parking spaces to the front and a small garden to the rear and sides. The dwelling would be accessed from Pomeroy Road, a no-through road, and it is proposed to improve visibility from Pomeroy Road onto Uplowman Road by providing a visibility splay along the frontage of 11 Uplowman Road.

Reason for Report:

At the meeting on 4 March 2015, Members resolved to refuse the application contrary to officer recommendations and the application was deferred for a further report setting out suggested reasons for refusal.

Relationship to Corporate Plan:

None.

Financial Implications:

The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. The Council must be in a position to defend and substantiate each its reason for refusal.

Legal Implications:

None.

Risk Assessment:

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

REASONS FOR REFUSAL AND IMPLICATIONS:

During the meeting, Members gave consideration to:

- density issues

- whether the development was out of character with existing dwellings in Pomeroy Road
- whether the proposal was in contravention to the Masterplan approved for the Eastern Urban Extension.
- the setting of a precedent of building in gardens of adjacent properties
- whether the site could support 2 dwellings
- the overgrown garden
- the need for the development to be in line with Development Plan Policies COR2, DM2, DM14 and not the Eastern Urban Extension Masterplan.

Members resolved that they were minded to refuse the application based on the following reason:

1. The proposal is considered a departure from existing dwelling layout in the area, to have an unacceptable size of plot at an uncharacteristically high density contrary to the character and appearance of the surrounding area resulting in a loss of local distinctiveness and close proximity to other dwellings. The proposal is considered contrary to policies COR1 Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM14 Development Management Policies (Local Plan Part 3).

Your officers set out in their original committee report information on densities and plot sizes in the immediate vicinity of the site, and the proposed densities for the Eastern Urban Extension as set out in the masterplan. Further information on plot sizes and densities in the area are included in this report for Members' information in making their decision:

Pomeroy Road	density: approx. 11 dwellings per hectare typical plot size: approx. 800 square metres
Uplowman Road	density: approx. 7 dwellings per hectare typical plot size: approx. 1400 square metres
Post Hill	density: approx. 22 dwellings per hectare typical plot size: approx. 490 square metres
Fairway	density approx. 13 dwellings per hectare typical plot size: 690 square metres
Application proposal	density: approx. 20 dwelling per hectare plot size: 495 square metres

Whilst your officers' opinion is that the development would not be out of character with the wider area, your officers consider that refusal of the application for reason set out above is reasonable, Members having taken into account the existing character of the area, surrounding development pattern, building layouts, plot sizes and density.

RECOMMENDATION

If Members are still minded to refuse the application contrary to officer recommendation, it is recommended that Members refuse the application for the suggested reason set out in this report.

Contact for any more information

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Background Papers

Planning Committee Report 4th March 2015

File Reference

14/02077/FULL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee