

**Grid Ref:** 298379 : 113442

**Applicant:** Mr Wren

**Location:** 11 Uplowman Road  
Tiverton Devon

**Proposal:** Erection of a dwelling  
with parking and  
associated access  
(Revised scheme)

**Date Valid:** 16th December 2014



**Application No. 14/02077/FULL**

**RECOMMENDATION**

Grant permission subject to conditions.

**COUNCILLOR DENNIS KNOWLES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider whether the proposed development is out of keeping with the existing character of the area as identified in the Tiverton Urban Extension Masterplan.

**PROPOSED 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.

**APPLICANT'S SUPPORTING INFORMATION**

Planning, design and access statement

**PLANNING HISTORY**

78/00292/FULL Erection of a storm porch - PERMITTED MARCH 1978  
81/00060/FULL Erection of lounge extension - PERMITTED FEBRUARY 1981  
81/01876/FULL Erection of fence - PERMITTED DECEMBER 1981  
14/01469/FULL Erection of a dwelling - WITHDRAWN NOVEMBER 2014

**DEVELOPMENT PLAN POLICIES**

**Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness  
COR13 - Tiverton

**Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design  
DM8 - Parking  
DM14 - Design of housing  
DM15 - Dwelling sizes

**CONSULTATIONS**

HIGHWAY AUTHORITY – 23rd December 2014 - Observations:  
The Highway Authority are happy with the provision of the access off Pomeroy road set out in drawing PL/Block plan/01 and with the visibility splay provided on plan PL/Block/Highway/01 provided as a footway, should such a footway be provided it should be constructed under a section 38 legal agreement with the Highway Authority. However the Highway Authority has been in discussion with the applicants agent and is happy to accept the visibility splay as a grass verge provided the visibility splay is maintained with no obstruction greater than 600mm above the carriageway surface > It should be noted that all works adjacent to the highway should be carried out subsequent to applying for the appropriate licence from the Highway Authority.

Recommendation - no objection to the proposed development.

ENVIRONMENT AGENCY - 15th December 2014 - Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

TIVERTON TOWN COUNCIL - 21st January 2015 - Support

ENVIRONMENTAL HEALTH - 23rd December 2014

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - no objections to this proposal

Licensing - N/A

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety - no objections to this proposal

## REPRESENTATIONS

5 objections summarised as follows:

1. The development is incompatible with the principles of the EUE masterplan which must also relate to existing development in the area (e.g. generous private gardens, appropriate densities, responsive to the character of the site and area, respecting existing dwellings). The proposal is out of scale and proportion to existing density, dwelling type and garden size.
2. The creation of an additional access onto Pomeroy Road in this position would generate additional traffic near a junction which is acknowledged as dangerous.
3. The development would set a precedent and it would be difficult to resist a similar application, e.g. at 9 Uplowman Road.
4. Additional parking on Pomeroy Road would cause problems for large vehicles, e.g. ambulances.
5. This is back garden development which is against Mid Devon's policy.
6. The existing dwelling will have no rear garden.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. **Design, layout and density**
2. **Highway safety**
3. **Effect on neighbouring residents**

1. **Design, layout and density**

Concern has been raised that the proposed dwelling will be out of keeping with the existing development pattern in the area and with existing dwelling density, design and layouts in terms of garden sizes. Objectors refer to statements in the Tiverton Urban Extension Masterplan which sets out the vision for an urban extension to be developed on garden neighbourhood principles, including respecting the character of the surrounding area. Pomeroy Road is a development of red brick bungalows with private gardens. The existing dwellings are spaced relatively closely together but have good sized front and back gardens with off-street parking to the front.

The density in Pomeroy Road is approximately 11 dwellings per hectare. The density in Uplowman Road is lower but the density along Post Hill to the south of the site is higher. The Tiverton Urban Extension Masterplan sets densities for the urban extension of between 15 and 50 dwellings per hectare, with the highest densities around the proposed neighbourhood centre and lower densities on the edges of the area, particularly towards Manley Lane. The average density across the masterplanned area is calculated at 37 dwellings per hectare, with the recommended densities in the area adjacent to Uplowman Road being between 15 and 40 dwellings per hectare. If the density of

the proposed dwelling was calculated on a development of similar dwellings and plots, the density would be approximately 20 dwellings per hectare. However any consideration of density needs to consider the character of the surrounding area.

In terms of layout, the proposed dwelling would have a private drive off Pomeroy Road with two parking spaces to the front of the bungalow and a garden to the rear and side of the proposed dwelling. The layout is similar to other dwellings in Pomeroy Road and is considered to provide a good level of parking and amenity space (amenity space of 132 square metres, compared to the floorspace of the dwelling of 99 square metres), in accordance with policies DM8 of the Local Plan Part 3 (Development Management Policies) which requires an average of 1.7 parking spaces per dwelling, and policy DM14 of the Local Plan Part 3 (Development Management Policies) which seeks private amenity space that reflects the size, location, floorspace and orientation of the property.

Dwellings in Pomeroy Road are red brick with tiled roofs whilst dwellings in Uplowman Road, including 11 Uplowman Road, are predominantly rendered with slate roofs. It is proposed that the new dwelling would be rendered with an artificial slate roof which is not considered to be out of keeping with its surroundings. In general, it is considered that the design of the dwelling is consistent with policy DM2 of the Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, is well integrated with surrounding buildings, streets and landscapes and which makes efficient and effective use of the site. The proposal is also considered to be consistent with policy DM14 of the Local Plan Part 3 (Development Management Policies) which sets out a number of criteria in respect of the design of housing, including adequate levels of daylight, sunlight and privacy for future occupiers, suitably sized rooms and overall floorspace, and with policy DM15 of the Local Plan Part 3 (Development Management Policies) which sets out minimum dwelling sizes.

It is intended to retain the mature boundary planting which is considered to be important to the character of the area. In order to ensure that the landscaping retains that character, it is recommended that a landscaping scheme be submitted for approval before the dwelling is occupied, in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, and is well integrated with surrounding buildings, streets and landscapes.

Concern has been raised that the proposal would be back garden development which is against Mid Devon's policy. Mid Devon does not have a policy against back garden development and each application is considered on its merits. The Government revised the definition of previously development land to exclude domestic gardens, but this does not mean that there can be no development on gardens. The existing character of the area should be considered when assessing a proposal. It is concluded that the proposed dwelling is in keeping with the character of the area, specifically that of existing housing in Pomeroy Road.

## **2. Highway safety**

Concern has been raised that the creation of the access onto Pomeroy Road would generate additional traffic near a junction which is acknowledged as being dangerous, and that additional parking on Pomeroy Road would cause problems for large vehicles, for example, ambulances. The Highway Authority has no objection to the development, provided the suggested improvements to provide a visibility splay along the frontage of 11 Uplowman Road by cutting back the existing vegetation along this frontage are implemented. It is recommended that these junction improvements are conditioned. The development is providing two parking spaces for the dwelling and there is no reason to assume that there will be a material increase in parking on Pomeroy Road that would affect access by emergency vehicles.

Overall, your officers do not consider that the application would affect highway safety to any material degree and the development is considered to be in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

## **3. Effect on neighbouring and future residents**

The main windows in the proposed dwelling would look onto the road or onto the garden to the rear. Above ground level, there would be one window in the east elevation which would look onto the side wall of the neighbouring dwelling which has one window looking towards the site. The boundary between the two dwellings is a thick hedge and it is not considered that there will be a material loss of privacy or amenity for the occupiers of this dwelling.

In addition, there is one small window in the west elevation which looks towards 11 Pomeroy Road. 11 Pomeroy Road has a number of windows facing towards the proposed dwelling and there could potentially be a loss of privacy for the existing dwelling. It is therefore recommended that the first floor window in the west elevation of the proposed dwelling is obscure glazed. Subject to this condition, it is not considered that the development would have an unacceptable impact on the privacy and amenity of neighbouring occupiers, in accordance with policy DM2 of the Local Plan Part3 (Development Management Policies).

The proposed dwelling would reduce the amount of garden available for the existing dwelling. However, 11 Pomeroy Road is set well back from the road and has a large private garden to the front of the dwelling, as well as its own drive and parking spaces. It is considered that there would be an adequate level of private amenity space and parking retained for the use of the existing dwelling.

Parts of the existing dwelling (extensions to the rear and side) are to be demolished. The extensions to the rear are poor quality and there is no justification for these being retained. The dwelling to be retained provides a good level of accommodation for future residents and would accord with policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies) should planning permission be sought for a dwelling of this type in this location.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme, including details of all existing boundary planting to be retained and methods to protect the retained boundary planting, and details of any changes proposed to existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details shall be carried out within 9 months of the substantial completion of the development and any trees or plants which, within a period of five years from completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, or alternative trees or plants as approved in writing by the Local Planning Authority.
4. The development shall not be occupied until the vehicular access, parking and turning areas shown on the approved plans have been provided, surfaced and drained, in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.
5. The development shall not be occupied until the visibility splay along the frontage of 11 Uplowman Road shown on drawing number PL/BLOCK/HIGHWAYS/01 has been provided, in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.
6. The development shall not be occupied until the first floor window in the west elevation has been glazed with translucent glass which glass shall be so retained.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).
4. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance DM2 (criterion d) Local Plan Part 3 (Development Management Policies) and/or in accordance with guidance in the National Planning Policy Framework (NPPF).
5. In the interests of highway safety and to ensure adequate visibility for and of vehicles emerging from Pomeroy Road onto Uplowman Road in accordance with the National Planning Policy Framework.
6. To safeguard the privacy of the occupiers of 11 Uplowman Road in accordance with policy DM2 of the Local Plan Part 3 Development Management Policies.

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The principle of a new dwelling in this location is considered to be acceptable, taking into account the density and character of the area. The layout, design and materials are considered to provide a good standard of accommodation and to respect the character of existing development in the area. Adequate accommodation, parking and amenity space is to be retained for the existing dwelling. Subject to conditions relating to visibility at the junction with Uplowman Road, and the requirement for translucent glazing in the west elevation, the development is not considered to have an unacceptable impact on highway safety or the privacy or amenity of neighbouring occupiers. The proposal is considered to comply with the relevant policies: COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies).

