

**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**

At the meeting held on the 4<sup>th</sup> March 2015 the Planning Committee considered the above application and the Committee resolved they were minded to refuse the application, subject to the consideration of an implications report, for the reasons set out below.

**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:**

As set out above

**Relationship to Corporate Plan:**

None

**Financial Implications:**

An application for costs on any appeal may be made against the Council. 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 may be a risk of a successful appeal costs claim against the Council.

**REASONS FOR REFUSAL AND IMPLICATIONS:**

When considering the application at the meeting on the 4<sup>th</sup> March 2015 the Committee considered the proposed density of development, whether the development was in character with existing dwellings in Pomeroy Road, whether the proposal development was in contravention to the Masterplan approved for the Eastern Urban Extension, if the development proposed, would set a precedent of building in gardens of adjacent properties, whether the site could support 2 dwellings, the need for the development to be in line with

Development Plan Policies COR2, DM2, DM14 and not the Eastern Urban Extension Masterplan.

Policy DM2 of the Local Plan (part 3) requires development to have a clear understanding of the characteristics of the site, its wider context and the surrounding area, it requires development to make a positive contribution to local character and create visually attractive places that are well integrated with surrounding buildings, streets and landscapes and provide developments which do not have unacceptable adverse impacts on the privacy and amenity of adjoining dwellings, taking account of siting, layout and massing. Policy DM14 reinforces the need to ensure development does not result on the overdevelopment of residential curtilages. Policy COR2 of the Mid Devon Core Strategy seeks to maintain local distinctiveness and seeks high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and which creates attractive places.

The Planning Committee considered the proposal was out of character with the existing layout of the area, it would result in a development of uncharacteristically higher density out of character and appearance with the surrounding area, it would lead to a loss of local distinctiveness and provide a dwelling in close proximity to other dwellings contrary to the general character of the area.

The reason put forward is as follows.

**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 COR2 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

Members having taken into account the existing character of the area, the surrounding development pattern, building layouts, plot sizes and density, are able to refuse the application for the reason set out above which can be substantiated particularly when considered against the policy provisions set out above,

**RECOMMENDATION**

If Members are minded to refuse the application it is recommended the application is refused for the suggested reason set out in this report.

**Contact for any more information**

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**Background Papers**

Planning Committee Report 4<sup>th</sup> March 2015

**File Reference**

14/02077/FULL

**Circulation of the Report**

Cllrs Richard Chesterton  
Members of Planning Committee