

PLANNING COMMITTEE AGENDA - 9th March 2016

Applications of a non-delegated nature

<u>Item No.</u>	Description
1.	15/01871/FULL - Erection of a two storey extension at 1 Aspen Way, Tiverton, Devon. RECOMMENDATION Refuse permission.
2.	15/01993/TPO - Application to carry out works to 2 Oak trees protected by Tree Preservation Order 02/00005/TPO at Footpath Rear of 3 & 4 Aspen Way, Willand, Devon. RECOMMENDATION Grant consent.

Application No. 15/01871/FULL

Plans List No. 1

Grid Ref: 296190 : 114048

Applicant: Mr Joe Corkery

Location: 1 Aspen Way Tiverton
Devon EX16 6UJ

Proposal: Erection of a two
storey extension

Date Valid: 25th November 2015



Application No. 15/01871/FULL

RECOMMENDATION

Refuse permission.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

CLLR DENNIS KNOWLES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:

1. To consider whether the proposal is overbearing on the neighbouring property
2. To consider if the design of the proposal is appropriate for the surrounding area.

PROPOSED DEVELOPMENT

What: Erection of two storey side extension. The extension will accommodate a garage, utility and first floor bedroom and en-suite.

Where: The proposal will extend north of the existing building, using space originally used as a driveway.

How big: The proposal will extend approximately 3.9metres from the side of the original dwelling, with a width of approximately 8.1metres. The extension is two storeys; with an eaves height of 5metres and a height to ridge of 8metres (the eaves and ridge line will be unbroken from the existing dwelling). The proposed roof is dual pitched and hipped.

Materials: The proposal will be constructed from materials to match those used on the existing dwellinghouse, including brick walls, a tiled roof, and brown Upvc fenestration.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

97/00201/ARM Reserved matters for the erection of 68 no. dwellings and associated infrastructure - PERMIT

15/01339/FULL Erection of a two storey extension - REFUSE (This refusal was for a very similar 2 storey, side extension, but unlike the current application did not incorporate a hipped roof).

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

DM13 - Residential extensions and ancillary development

CONSULTATIONS

HIGHWAY AUTHORITY - 1st December 2015
standing advice applies
<http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 8th December 2015 - Support

REPRESENTATIONS

One letter of objection has been received. This is summarised below;

- The extension will be overwhelming to the existing property
- Damage to the boundary treatment will be caused
- Construction works will cause disruption to the surrounding dwellings

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Description of existing site layout, building materials, boundary details:

The existing dwelling has two storeys and is end-of-terrace. The exterior of the property has brick walls, a tiled roof and uPVC windows and doors. The property benefits from a reasonable curtilage, including front and rear garden and a driveway. The existing driveway is gated, and a parking area is provided forward of these gates. The driveway was being used for domestic storage, with a marquee erected for cover.

The site is on a modern housing estate, and the design and layout of the surrounding properties reflects this. The application will be visible from the highway and the surrounding properties.

The main issues in the determination of this application are:

1. **Design and Visual Impact**
2. **Impact on neighbouring occupants**
3. **Impact on the future amenities of the existing dwelling**
4. **Parking**

1. **Design and Visual Impact**

Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies), notes that new developments should be well designed, respecting the character scale setting and design of the existing dwelling, whilst creating visually attractive places that are well integrated with surrounding buildings, streets, and landscapes.

The proposal introduces a hipped roof to a terrace of 3 houses, which currently has gable ends at either end of the terrace. A previous application for a similar proposal on the site (15/01339/FULL) was refused in 2015, although this earlier proposal included a gable ended roof on the proposed extension. The previous reasons for refusal referred to the overbearing impact that the proposed gable ended extension (which would be built on the property boundary) would have on the occupants of the neighbouring properties. While the currently proposed hipped roof would reduce the mass of the extension it is considered this will leave the terrace with an unbalanced appearance, resulting in harm to the character and appearance of the building and the surrounding street scene. It should also be noted gable ended buildings are a feature of the surrounding development, with no hipped roofs being visible within the street scene. The proposal is considered to cause harm to the character and appearance of existing dwelling and the surrounding area, and conflicts with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

2. Impact on neighbouring occupants

Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) requires new development to respect the privacy and amenity of neighbouring dwellings. The existing dwelling has a window on the northern elevation overlooking number 12 and 13 Gardenia Drive. The proposal removes this window, and it is unlikely the development will create any significant loss of privacy.

One letter of objection was received, which notes that the extension will be overwhelming. This point was considered on a previous application, and the applicant endeavoured to overcome this with the addition of a hipped roof. The proposal extends to the rear garden boundary of 12 and 13 Gardenia Drive and due to the modern nature of the estate; the amenity space afforded to these properties is small. While the current scheme is an improvement to the previously refused scheme (in terms of the impacts on the neighbour), it is considered the proposal will on balance still have an unacceptably overbearing impact on the occupiers of 12 and 13 Gardenia Drive, in particular, impact on the enjoyment of their rear gardens and outlook from the rear windows of these properties. The proposal is therefore contrary to Policies DM2 and DM13 Local Plan Part 3 (Development Management Policies). This impact is exacerbated by the location of the application property on the southern side of existing dwellings.

3. Impacts on the future amenities of the existing dwelling

A reasonable amount of amenity space is retained, and the future amenities and services of the dwelling are unlikely to be harmed by the proposal. It is deemed that the proposal will not harm the amenities and services of the dwelling and will not result in over-development and therefore meets with Policy DM13 of Local Plan Part 3 (Development Management Policies).

4. Parking

Although the proposal results in the loss of driveway space, it will retain adequate parking for two vehicles. Policy DM8 of the Local Plan Part 3 (Development Management Policies) requires small scale development to provide or retain a minimum of two parking spaces. This proposal is in accordance with Policy DM8 of the Local Plan Part 3 (Development Management Policies).

Conclusion

In the opinion of the local planning authority, the proposed extension does not respect the scale, character, setting and design of the existing dwelling or its surroundings. Furthermore, the proposal will result in overbearing effects on the neighbouring dwelling, and is contrary to Policies COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), and Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies). The application is therefore recommended for refusal.

REASONS FOR REFUSAL

1. The proposed extension due to its scale and proximity to the neighbouring properties to the north, is considered to have an overbearing impact on the occupiers of two adjoining properties, 12 and 13 Gardenia Drive and likely to result in demonstrable harm to their amenity. The proposal is therefore contrary to the Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and advice in the National Planning Policy Framework.
2. The design of the proposal, which includes a hipped roof, is considered to be out of character with the surrounding area, and causes harm by unbalancing the appearance of the terrace within the street scene. The proposal is therefore contrary to Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM13 of the Local Plan Part 3 (Development Management Policies), and advice in the National Planning Policy Framework.

Application No. 15/01993/TPO

Plans List No. 2

Grid Ref: 304136 : 111123

Applicant: Mrs J Wood

Location: Footpath Rear of 3 & 4
Aspen Way Willand
Devon

Proposal: Application to carry out
works to 2 Oak trees
protected by Tree
Preservation Order
02/00005/TPO

Date Valid: 11th January 2016



Application No. 15/01993/TPO

RECOMMENDATION

Grant consent.

PROPOSED DEVELOPMENT

Application to carry out works to 2 Oak trees protected by Tree Preservation Order 02/00005/TPO. The trees subject to this application are located on the footpath to the rear of 3 and 4 Aspen Way, Willand. It is proposed to prune the trees by 2 to 3 metres, to reduce the overall crown of the trees as they are currently growing excessively over the garden and garage of the neighbouring property.

APPLICANT'S SUPPORTING INFORMATION

Forms
Photographs
Site Plan

PLANNING HISTORY

None

CONSULTATIONS

WILLAND PARISH COUNCIL - 2nd February 2016 - No objections as the trees are not individually protected or significant specimens.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Mid Devon District Councils tree officer has undertaken a site visit of the site, and her consultation response informs the following report:

The application has been received to carry out works to 2 Oak trees situated on the boundary of the property. 02/00005/TPO is a large area TPO which runs along the boundary where the trees are situated. The trees are not individually special specimens and would probably not be worthy of protection as individual specimen trees.

The trees line the edge of a right of way which is currently unused. They are encroaching significantly and have the potential to cause damage to the property's garage. Due to the low amenity value of the trees and the potential for damage, there is no objection to the pruning back of the trees to the boundary. It will incorporate a 2-3 metre partial crown reduction.

CONDITIONS

1. The works hereby permitted shall be carried out within two years of the date of this consent.
2. All works shall be carried out in accordance with BS3998:2010 Tree Work Recommendations and/or European Pruning Guide (AA guidance Note No. 5) by an appropriately experienced and qualified tree surgeon.
3. The works hereby permitted shall consist solely of the following:
 - a) Prune 2 x Oak trees back to the boundary of the applicants and neighbouring property, a 2-3m partial crown reduction.

REASONS FOR CONDITIONS

1. To ensure the works carried out remain appropriate to the condition of the tree(s) and in the interests of visual amenity and having regard to the Town and Country Planning (Tree Preservation)(England) Regulations 2012.
2. To ensure the works are carried out in accordance with best Arboricultural practice.
3. To preserve the continued contribution of the trees to the local character and amenity whilst enabling such works as are required to manage the trees and having regard to the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The two Oak trees subject to this application are not individually special specimens and are subject to a group Tree Preservation Order. The trees have a low amenity value and have potential to cause damage to the neighbouring property. The proposed works are considered to be sufficiently justified.

Mrs Jenny Clifford
Head of Planning and Regeneration

