

**Application No. 16/00180/FULL**

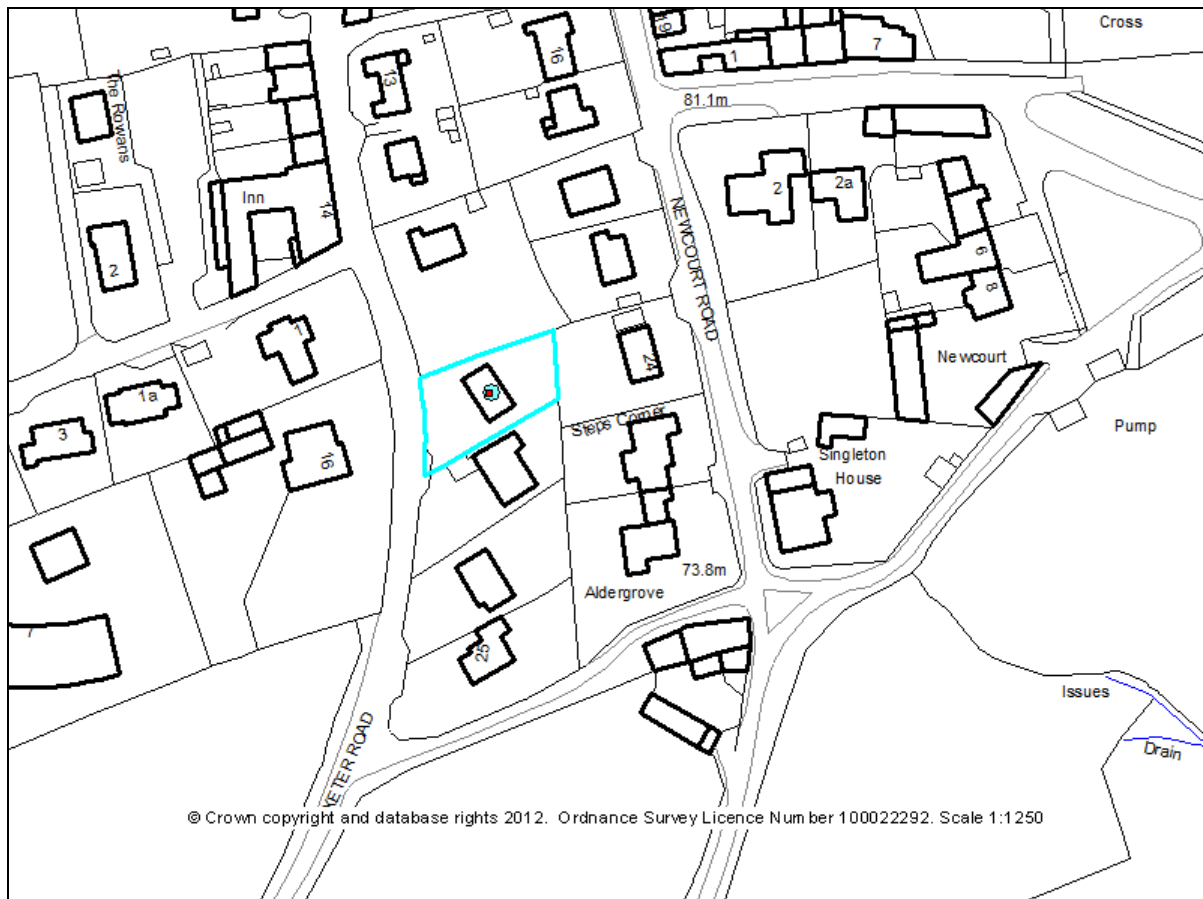
**Grid Ref:** 102696 : 295541

**Applicant:** Mr D Wright

**Location:** 19 Exeter Road  
Silverton Exeter EX5  
4HX

**Proposal:** Erection of 2  
dwellings following  
demolition of existing  
dwelling (Revised  
Scheme)

**Date Valid:** 1st February 2016



**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING  
DEMOLITION OF EXISTING DWELLING (REVISED SCHEME)  
- 19 EXETER ROAD SILVERTON EXETER EX5 4HX**

**Reason for Report:**

Members at Planning Committee on 6 July 2016 were minded to refuse planning consent contrary to Officer's recommendation. The application was therefore deferred for a further report setting out the implications of the proposed reasons for refusal. The reasons for refusal related to:

- Overdevelopment of the site.
- The development was not in keeping with the street scene.
- The impact of the development on the setting of the conservation area.
- Parking arrangements were insufficient.

**RECOMMENDATION**

That Members consider the revised drawings submitted 15<sup>th</sup> July 2016 for approval. If Members are minded to refuse the application as presented to Planning Committee on 6<sup>th</sup> July 2016 and the revised drawings dated 15 July 2016, it is recommended that Members refuse the application for the two reasons suggested below.

**Relationship to Corporate Plan:**

None.

**Financial Implications:**

The applicant may make an application for costs on any appeal against the Council's decision. Such cost claims are made by demonstrating that there has been unreasonable behaviour. The Council must be in a position to defend and substantiate each of its reasons 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.

**Consultation carried out with:**

1. Highway Authority
2. Silverton Parish Council
3. Environment Agency

4. MDDC Environmental Health
5. MDDC Conservation Officer

## **REASONS FOR REFUSAL AND IMPLICATIONS**

It was resolved at Planning Committee that Members were minded to refuse the application for the following reasons:

- Overdevelopment of the site.
- That the development was not in keeping with the street scene.
- The impact of the development on the setting of the conservation area.
- Parking arrangements were insufficient.

### **Suggested wording for reasons for refusal**

Your Officers suggest the following wording:

REFUSE for the following reasons:

- 1) *The proposal is contrary to Section 7 of the NPPF, Policy COR2 of the Adopted Core Strategy and Policies DM2 (a, c, ei, eii and eiv) and DM14(a) of the Local Plan Part 3 because by virtue of its siting, scale, massing and detailed design the proposal represents over development of the site having a detrimental impact on the character of the street scene and in the absence of any means to turn vehicles within the site would introduce additional risk to all road users of Exeter Road.*
- 2) *The proposal is contrary to Policy DM27(b) of the Local Plan Part 3 because by virtue of its siting, scale, massing and detailed design the proposal would neither preserve or enhance the character of the adjacent conservation area.*

### **Implications: reason for refusal 1**

Your Officers identified in their report to Planning Committee on 6 July 2016 that the proposed dwellings will sit within the forward and rear building lines of the neighbouring property (No.21) and as such reflect the established (staggered) building line along Exeter Road. Revisions to the drawings as presented at Planning Committee on 6 July 2016 have reduced the overall size of the footprint of each dwelling allowing a larger gap between the proposed dwellings as well as an increase in the size of the gap between the 'South House' and No.21. This better supports the character of the street, being one of a transition from open countryside to the denser housing of the historic core. Revisions have also improved the height relationship with No 21 ensuring the ridge and eaves heights of the two proposed dwellings have been reduced to a height comparable to No. 21. The detailed design relating to the provision of two parking spaces per dwelling complies with Policy DM8. Entry / egress is provided to the satisfaction of the Highway Authority.

Members reflected on these changes yet considered the proposal overdevelopment of the site, not in keeping with the street scene and that parking arrangements were insufficient.

It is acknowledged that the introduction of two, two storey dwellings will introduce a change to the established form of development within the street. The site abuts the conservation area. The near neighbours within the conservation area have strong boundary treatments on to Exeter Road. These boundary treatments take the form of walls and/or mature planting of considerable height. As such, these properties, that tend to be two storey in height, are largely concealed from view. The remainder of Exeter Road has an open aspect – principally associated with low rise single storey properties that allow sight of the distant hills over and between the properties and relatively low boundaries along their frontage (compared with those within the conservation area). It is this part of Exeter Road that the site tends to take its reference from for its setting, form and detailed design.

Clearly, the introduction of two, two storey, properties will introduce a change to this part of Exeter Road that the proposal takes its reference from. Whilst, there are a number of neighbouring two storey properties (albeit concealed from public view) it is acknowledged that they and the neighbouring single story properties sit within relatively large plots. The introduction of two properties within the development site introduces some change to the established urban grain. However, as detailed in the report presented to Members at Planning Committee on 6<sup>th</sup> July, the proposal provides adequate internal accommodation and external amenity space, the dwellings are comparable in height to those neighbouring and reflect the established building line. An acceptable distance between the properties proposed and those neighbouring is provided and will not result in unacceptable overlooking, loss of privacy or light. Members had concern relating to the proposal not being in keeping with the street scene. As detailed above, the proposal, by nature of the existing forms of development and boundary treatments takes its reference from the single storey properties. The loss of boundary treatment to facilitate access results in a frontage that is more 'open' in character. In so doing, views of the proposed dwellings will be more visible with the perception that they maybe 'dominating'. Whilst there is sympathy for those concerned about its impact on the 'country lane ambience' and the neighbouring conservation area it's noted that there is some opportunity to introduce landscaping (including trees / shrubs on the frontage) and retention of natural stone materials within the new boundary treatments. The proposed parking arrangements are to the satisfaction of the Highway Authority.

Your Officer's weighed the harm of the proposal, in terms of overdevelopment of the site, parking arrangements and its impact on the character of the street scene against the benefits of the scheme and concluded that the balance weighed in favour of the development. Members are advised to carry out the same balancing act and consider the impact of the proposal on the character of the wider street scene and highway safety.

### **Implications: reason for refusal 2**

The Officer report made reference to the site's close proximity to the conservation area. Whilst sympathy was expressed in the report for the 'country lane ambience' and the impact of the proposal on the adjacent conservation area, it was considered that on balance the proposal was acceptable. An element of enclosure to the street would be retained on the frontage, provided by the retaining walls to the front gardens. Early discussions also indicated an intention to retain the existing natural stone on the front boundary for reuse in boundary walls. The Conservation Officer expressed concern relating to loss of enclosure and likely dominating impact of the dwellings on the street and conservation area.

Members reflected on the impact of the proposal on the conservation area and the comments received from the Conservation Officer and considered the proposal by virtue of its siting, scale, massing and detailed design harmful to the character of the adjacent conservation area. As detailed above, the site abuts the conservation area whose property boundaries provide a strong sense of enclosure on to Exeter Road. The proposal will introduce a relatively open frontage in contrast to that of the conservation area, where properties are largely concealed behind boundary walls and mature hedgerows. This in turn makes the design, height and change in urban grain more apparent.

However, for the reasons detailed in the Reasons for Refusal 1, namely the established building lines, reduced footprint, increased gaps between buildings and reduction in the height of the proposed dwellings and the potential to introduce some planting within the front gardens, the Planning Officer weighed in favour of development. Members are advised to carry out the same detailed consideration.

### **Judgment**

The proposed siting, scale, massing and detailed design provided in the application detailed at Planning Committee on 6 July 2016 could, if minded by the Committee, form reasons for refusal as set out above.

## **Revised Drawings**

It is drawn to Members attention that revised drawings have been submitted (dated 15 July 2016) in an effort by the applicant to respond to the concerns raised by Members at Planning Committee. Officer's feel it is their duty to draw Members attention to these revised drawings.

The design of the dwellings, their elevations and floorplans remain unaltered in these revised drawings. However, the dwellings have been pushed back into the plot (away from the road) by approx. 0.9m for South House and 1.2m for North House. Sufficient garden area to the rear to facilitate family sized accommodation is retained. The access and parking arrangements to the front has been revised to allow for a narrower, centrally positioned access off the road with stone and earth bank along the remaining road frontage on either side. The 2 parking spaces per dwelling are re-orientated with room to turn on site.

An analysis of these revised drawings indicates improved enclosure to the street with the introduction of the stone and earth bank between 900mm and 1.5m in height. The reorientation of the parking spaces with shared turning area facilitates landscaping that further enhances the sense of enclosure to the benefit of the overall scheme. Setting the properties back within the plot goes some way to minimise Member concerns related to the properties dominating the street scene. The retention of the staggered building line reflects that established in the street scene. The 'South House' continues to sit within the forward and rear building lines of No.21. This minimises any adverse impact of the proposal on the quality of amenity currently enjoyed by No.21. Setting the North House back within the plot by an additional 1.2m maintains sufficient separation distance from the dwellings to the rear. The introduction of brick onto the front elevation softens the overall design. Brick is not a prevalent material in this part of Silverton – although is present elsewhere within the village.

Following receipt of the revised drawings, a period of consultation has been undertaken on them. The following responses have been received:

### **Consultations of the Revised Drawings**

Highway Authority: 8th August 2016 - No Objections. Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

MDDC Conservation: My previous comments expressed concerns about the boundary treatment and removal of the low hedge bank to create an open frontage with a tarmac hard surface. The new design shows the retention of the boundary to a great extent – this does therefore improve the scheme and how it relates to the road. Negative visual impacts when approaching the village are much reduced because the sense of enclosure is retained.

The houses have also been pushed very slightly further back into the plot (1m) to create the front car parking arrangement. This will very slightly reduce the impact of the gable front design however there will still be a distinctly busier and denser development appearance to the plot.

The impact on Orchard Jeffreys remains the same as in my previous comments.

Whereas my previous recommendation was for refusal based on harm to the setting of the conservation area, this scheme is less harmful. I remain unconvinced that the conservation area's setting is being 'preserved or enhanced' but I think that a refusal based on less than substantial harm to heritage assets would now be much harder to sustain at appeal.

## Representations on the Revised Drawings

7 letters of objection have been received, the main points relating:

- to overdevelopment of the site;
- a design that is not in keeping with this part of the village;
- the proposed dwellings are too high and will dominate;
- loss of hedgebank / means of enclosure to the street;
- negative impact on the setting of the conservation area and street scene;
- loss of privacy to properties on Newcourt Road;
- poor internal accommodation;
- moving the North House 1.2m and the South House 0.9m has an insignificant impact on overcoming the impact on the street scene;
- the slight adjustment detailed in the revised drawings does not overcome the reasons for objection previously expressed.
- Acceptance of the revised drawings is contrary to the Planning Committee Resolution.

2 letters of support have also been received. The main points relating to:

- development of a pre-existing site is preferable than greenfield; and
- the proposal represents well considered family dwellings that serve a housing need in this location.

## Judgement on the Revised Drawings

Significantly, the change to the access and parking arrangements has satisfied concerns relating to the ability to leave the site in a forwards direction whilst also allowing an improved sense of enclosure to Exeter Road through the introduction of an extended boundary treatment. Setting the properties further back into the plot provides marginal improvement in terms of the properties dominating the street scene. It is your Officers recommendation that the revised drawings improve the overall scheme. Further, the Conservation Officer now considers a refusal based on less than substantial harm to the heritage asset would be much harder to sustain at appeal with the revisions. Should Members feel satisfied that the more recent revisions to the drawings (submitted 15 July 2018) overcome their concerns then it is advised that the application should be approved with conditions as previously detailed in the report dated 6 July 2016.

### Contact for any more information

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### File Reference

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### Circulation of the Report

Cllrs Richard Chesterton  
Members of Planning Committee