

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

**Plans List No. 1**

**Grid Ref:** 295541 : 102696

**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



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

### **RECOMMENDATION**

Subject to the provision of a Section 106 Agreement to secure a financial contribution of £1,442 towards off site public open space provision grant permission.

### **COUNCILLOR MRS ROACH HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:**

To consider:

1. The adverse impact on neighbours and overdevelopment of the plot.
2. If the design is inappropriate given the existing street scene.
3. Highway issues given the narrow road, lack of parking in this area and the village as a whole.

### **PROPOSED DEVELOPMENT**

Planning consent is sought for the erection of 2 dwellings following the demolition of an existing bungalow. This application represents a revised scheme following the withdrawal of an application in December 2015 following Officer concerns relating to over development of the site. Pre-application advice had been received prior to the submission of that application indicating that 'it (was) likely that the demolition of the existing bungalow including the construction of two new dwellings on the site (could) be supported'. That Officer advice made specific reference to the neighbouring conservation area and the need to reduce any negative impact on it and neighbouring properties.

The existing bungalow is constructed using panelled render/concrete, with brown roof tiles and UPVC fenestration. The site abuts the Silverton conservation area to the west, and includes off-street parking in the form of a driveway. The application is within the settlement boundary of Silverton. Whilst the surrounding land is not significantly undulating, the dwellings to the east are built on a significantly lower ground level. The site is within flood zone one, and the proposal is unlikely to affect a listed building.

### **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement: outlining the detailed design and layout of the proposed including background information and policy support.

### **PLANNING HISTORY**

99/02798/FULL Erection of conservatory on front of property - PERMIT

15/01691/FULL Erection of 2 dwellings after demolition of existing dwelling and alteration to existing access - WDN

16/00180/FULL Erection of 2 dwellings following demolition of existing dwelling (Revised Scheme) - PCO

### **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR9 - Access

COR17 - Villages

## **Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)**

AL/IN/3 - Public Open Space

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

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM3 - Sustainable design

DM8 - Parking

DM14 - Design of housing

DM15 - Dwelling sizes

## **CONSULTATIONS**

**HIGHWAY AUTHORITY** - 10th February 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

**SILVERTON PARISH COUNCIL** - 4th April 2016

The Parish Council has carried out a site visit relating to the above application and would recommend refusal of the above application on the grounds of overdevelopment of the site and it is felt the proposed development is not in keeping with the surrounding area.

The Parish Council would also ask that, prior to the District Council making a decision on the application, that the Applicant be asked to provide a Wildlife Survey in relation to the pond.

**ENVIRONMENTAL HEALTH** - 16th February 2016

Contaminated Land - The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Therefore, the following condition is recommended if permission is granted

Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potential hazardous materials should be assessed.

Reason: In the interests of public health and protection of the environment.

Air Quality - no objections to this proposal

Environmental Permitting - N/A

Drainage - no objections to this proposal

Noise & other nuisances - recommend approval with conditions:

No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

Housing Standards - no objections to this proposal

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - Not applicable

Health and Safety I have no objections to this proposal.

Informative: There is a lack of information e.g. structural survey. There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at [www.hse.gov.uk/pUbns/priced/hsg264.pdf](http://www.hse.gov.uk/pUbns/priced/hsg264.pdf) should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

## REPRESENTATIONS

At the time of writing the report, 9 objections have been received relating to the initial drawings submitted.

The main points raised are summarised below:

- Out of character with area, too large and too high;
- Two dwellings on the plot represents over development;
- Scale and character out of keeping while loss of hedgebank takes away the country lane ambience;
- Poor provision of outdoor amenity space;
- Too close to the boundary of neighbouring properties;
- Loss of privacy;
- Represents 'garden grabbing';
- No topographical survey provided, floor levels have been raised;
- Footprint is substantially greater than the existing dwelling;
- Garages should be restricted for use as parking only;
- Does not acknowledge neighbouring Conservation Area and listed buildings;
- Traffic reversing on to Exeter Road is a hazard;
- Too close to existing properties;
- Pre application comments provided by the Planning Officer have not been addressed.
- A wildlife report relating to the pond should be undertaken

Following the submission of revised drawings, 4 objections received. The main points being:

- All previous comments remain relevant;
- The south house is set off the boundary with No. 21 but the north house is almost touching the boundary;
- Internal circulation is improved but the two bedrooms are cramped;
- Rounded corners soften the outline;
- Parking provision has been reduced (3 to 2) and will result in additional on street parking;
- Loss of historic wall.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

### 1) Policy

The NPPF states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF.

The policies detailed in the following paragraphs have all been adopted since 2004. In relation to this proposal, the Development Plan has limited conflict with the NPPF and full weight is given to the relevant policies produced by Mid Devon District Council.

The site is located within the settlement limit of Silverton where policies COR1 and COR17 seek to encourage development in locations which are sustainable. The principle of developing the site for more than one dwelling (as existing) is in accordance with requirements of policy COR17. The existing bungalow is of no special architectural merit and is vacant. The site, on inspection, was rather overgrown but not to an extent to warrant a Wildlife Survey. The demolition of the bungalow will not in itself have an adverse impact on the character or appearance of Exeter Road. The site is not in a conservation area, although it is located adjacent to it.

## 2) Detailed Design and Layout

### Parking

The proposed two storey, 3 bedroom, detached houses, are designed as a mirror image of one another. Following an Officer recommendation, the integral garages have been removed but with two parking spaces to the front of each dwelling retained.

Concern has been raised that the loss of garaging (a previously proposed) will result in on-street parking causing a hazard to users. Policy DM8 requires two spaces per property and the proposal meets this requirement. The visibility splay allows for ease of entry / egress to the satisfaction of the Highway Authority. More recent concerns received relating to the very recent removal of the hedgerow on the frontage of the property are noted. However, a site inspection indicates that the existing boundary / stone wall adjacent to the road has been retained and that the removal of the hedgerow is clearance of the over grown front garden. Whilst there is sympathy for those concerned about its impact on the 'country lane ambience' and the neighbouring conservation area, planning / hedgerow removal consent would not have been required. Early discussions regarding the scheme with the Officer have indicated an intention for the retention of the stone wall and any removed stone would be retained and reinstated to define the new visibility splay should planning consent be forthcoming.

The drive will be surfaced with porous tarmac to prevent the discharge of surface water on to the highway. The surface material will provide an aesthetically acceptable appearance. As such, the application is in accordance with the requirements of policies DM2 and DM8 Local Plan Part 3 (Development Management Policies).

## 3) Layout

All development must seek to include high quality design (NPPF, Chapter 7) which respects the character in which it is located. This is supported by policies DM1, DM2, and DM3 of the Local Plan Part 3 which seeks high quality sustainable design and DM14 (design of housing). Policy DM15 provides a policy basis upon which the National Technical (Internal Space) Guidelines can be applied.

The proposed dwellings reflect the established building line along Exeter Road. They will be set further forward than the existing bungalow, but staggered. Their depth ensure that they sit within the forward and rear building lines of the neighbouring property to the south (No.21). Although the footprint of the properties do not match the staggered building line of those on Exeter Road exactly, they reflect it to the satisfaction of the Planning Authority. Since the dwellings reflect the existing building line they have no detrimental impact on the street scene in this regard. Although the street scene will be changed as a result of demolition of the existing dwelling and the erection of the 2 proposed dwellings, this change is not considered to detriment or to justify refusal. Both of the dwellings have reasonable sized rear gardens with adequate space and access for the storage of refuse/recycling bins and cycle storage to suit family accommodation.

The proposed dwellings will come closer to the northern and southern boundaries of the site than the existing bungalow. As such, the 'south house' will be between 2.2m and 3.4m from the nearest dwelling (No. 21). The revised drawings have removed the internal garage allowing the overall width of each house to be reduced by 450mm. This allowed for a larger gap between each building, an increase of approx. 900mm. This also allowed a little flexibility such that the gap between the 'south house' and No. 21 (measured from the mid point on the south house elevation) is now 2.9m (an increase of 1050mm) from the original submission. It is acknowledged that the proposed dwellings will be within relatively close proximity to one another (1.2m) but is sufficient for access to the rear of the property.

The proposed properties have a separation distance of 22m from the dwellings to the rear. The first floor windows on the rear elevation of each property are limited to one bedroom window (Bedroom 1) and to two velux roof lights (Bedroom 2). It is considered that the development will not result in unacceptable overlooking or loss of privacy to the neighbouring properties.

Side windows on each of the dwellings serve en-suite / ground floor wcs. While the en-suite windows

are very small it is not considered unreasonable to condition them to ensure they are fixed and obscure glazed. With the provision of obscure glazing to the en-suite bathrooms and the development of the houses in accordance with the approved plans, it is considered that the dwellings will not have an unacceptably adverse impact on the amenity of the occupiers of neighbouring properties in accordance with the requirements of policy DM2 of Local Plan Part 3 (Development Management Policies).

Revisions to the drawings have sought to improve the height relationship with No.21. Ground works have ensured that both dwellings sit lower in the site - removing the need for the stepped access into the properties thus helping to meet requirement M1 of the Building Regulations 2010. Further, the ridge line and eaves heights of the two dwellings have been reduced to a height comparable to No. 21. Topographically the dwellings sit more comfortably within the site and will not be overbearing on the surrounding properties nor when viewed from the street within the wider site context.

While the dwellings will be higher than the existing bungalow, their siting within the forward and rear building lines of No.21 and the separation distance from the properties to the rear ensure the development will not result in a significant loss of light to either the neighbouring properties or their gardens.

The external materials will sit comfortably alongside the mix of materials currently used on properties in Exeter Road. There are multiple architectural styles evident along the road and while it is not considered necessary to match styles and materials, the contemporary design and choice of materials complements the existing properties in the road. As such the proposal sits comfortably next to the Conservation Area and neighbouring Listed Building. The development is in accordance with policy DM14 Local Plan Part 3.

Policy DM15 provides a policy basis upon which the National Technical (Internal Space) Guidelines can be applied. The Internal Space Guidelines seek to provide dwellings with suitably sized rooms and overall floorspace with adequate storage and movement within the building. Within a 2 storey (3 bed 5 person) property, a minimum floorspace of 93sqm is required. Each of the two properties provide in excess of this (approx. 125 sqm). For the reasons outlined above the proposal is not considered to be out of character with the area. Revisions to the drawings provide a scheme reduced in height, scale and massing. Distances between neighbouring properties have been eased and each property provides adequate internal and external amenity standards. As such, the proposal is not considered over development of the site.

#### **4) Drainage**

Foul sewage is to be connected to the main sewer. Permeable surface materials on the drive assist in the appropriate disposal of surface water.

#### **5) Public Open Space**

Mid Devon adopted policy requires that all new dwellings are subject to the necessary infrastructure payments relating to POS.

Should planning consent be forthcoming the applicant will be required to pay a financial contribution of £1442.00 towards off site public open space and play area provision at School Lane War Memorial, Silverton in accordance with the requirements of policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and the SPD Funding Public Open Space through development.

At the time of writing this report the contribution has not been received. Should planning consent be forthcoming, consent will only be issued on receipt of the POS payment.

## **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. Prior to the occupation of either dwelling hereby approved, the first floor en suite bathroom window shall be glazed with translucent glass and be fixed so to be non-opening. Once provided the translucent non-opening glazing shall be so retained.
4. The external doors, door frames and windows hereby approved shall be recessed into the walls in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details and be so retained.
5. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes B, C of Part 1 of Schedule 2, relating to the enlargement of a dwelling consisting of an addition or alteration to its roof, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
6. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no new windows or doors shall be installed in the north facing elevation of the dwelling on the northern part of the site, or in the south facing elevation of the dwelling on the southern part of the site, without the Local Planning Authority first having granted planning permission.
7. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.
8. Details of the boundary treatments including walls and fences and their materials shall be submitted to, and approved in writing by, the Local Planning Authority. Installation shall be in accordance with the approved details and shall be so retained.
9. Prior to the use of any above ground materials first being used on site, details/samples of the materials (including colour of render, brick, stone, mortar and paintwork) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details/samples and 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 safeguard the privacy of the future residents of the properties and existing residents to No. 21 Exeter Road in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
4. To safeguard the character and amenities of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
5. To ensure the use of materials and detailing appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3: (Development Management Policies).
6. To safeguard the residential amenities of neighbouring residents in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
7. To safeguard the residential amenity of neighbouring residents during the construction period in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
8. To ensure the details are appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies).
9. To ensure the use of materials are appropriate to the development/works in order to safeguard the visual amenity of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies).

#### **INFORMATIVE NOTE**

1. Survey Information on the existing dwelling's structure  
There is a lack of information e.g. structural survey. You are advised that there is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at [www.hse.gov.uk/pUbns/priced/hsg264.pdf](http://www.hse.gov.uk/pUbns/priced/hsg264.pdf) should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

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

The demolition of the bungalow and erection of two dwellings is in accordance with Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1) as the site is within the defined settlement limit of Silverton. The dwellings will not have a detrimental impact on the street scene and neither will they have an overbearing impact on the amenity of the occupiers of neighbouring properties in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies). The design will sit comfortably alongside existing properties in Exeter Road and both dwellings have reasonable sized gardens and parking provision. The size of the dwellings are in accordance with national policy guidance. The development is in accordance with Policies COR2, COR9 and COR17 Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM8 and DM14 of the Local Plan Part 3 (Development Management Policies). A financial contribution has been secured towards the off site provision of public open space in accordance with Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).



