

PLANNING APPLICATION REPORT

Case Officer: Jeremy Guise

Parish: Newton and Noss **Ward:** Newton & Yealmpton

Application No: 0699/16/FUL

Agent:

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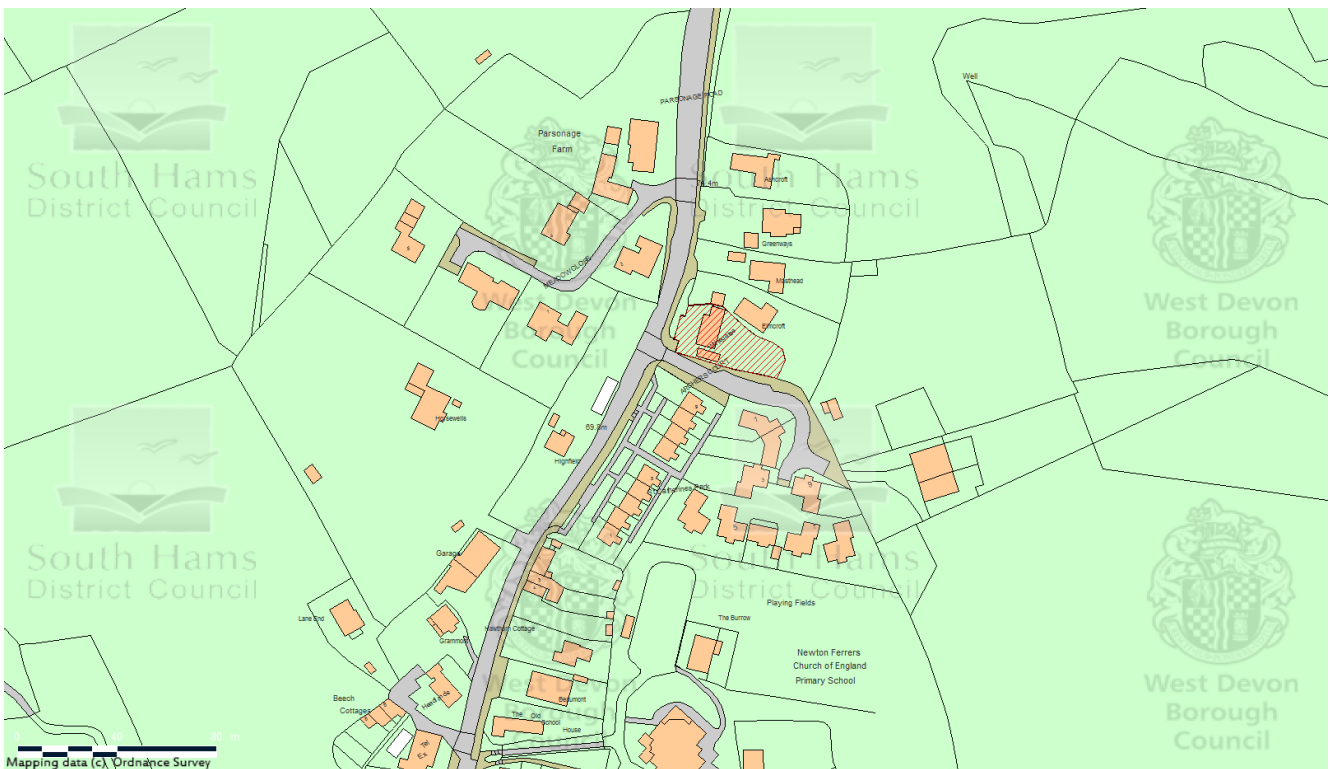
Applicant:

Mr Barrie Hallett
Ferry Cottage
Noss Mayo
Devon
PL8 1EU

Site Address: Whitegates, Parsonage Road, Newton Ferrers, Devon, PL8 1AS

Development: Demolition of a single family dwelling and the erection of one detached single family dwelling and two semi-detached single family dwellings.

Reason item is being put before Committee: Cllr. Blackler has requested committee determination due to the considerable interest being shown.



Recommendation: Refusal

Reasons for refusal:

1. The proposal would represent overdevelopment of the site that would result in a cramped and contrived layout that would be out of keeping with, and detrimental to, the character of the area. As such it would be contrary to Policy CS7 Design of the South Hams Local Development Framework Core Strategy, Policy DP1, High Quality Design, of the Development Policies DPD, and paragraph 64 of the National Planning Policy Framework.
2. The mass and bulk of the proposed single dwelling, located immediately to the south west, and in close proximity to, the neighbour at Elmscourt to excessive. It would adversely impact upon the amenities of the neighbouring property contrary to Policy DP3 of the Development Policies DPD.
3. The proposal generates a requirement for a contribution towards off site sport and recreation. In the absence of a mechanism to secure an appropriate contribution the proposal is contrary to Policy CS8 Infrastructure Provision of the South Hams Local Development Framework Core Strategy and Policy DP8, Open Space, Sport and Recreation, of the Development Policies DPD

Key issues for consideration:

- The principle of residential redevelopment of this site
- The design and appearance of the proposed dwellings
- The impact upon the amenities of neighbouring property
- The adequacy of the residential environment created
- The adequacy of parking and access arrangements
- The affordable housing and infrastructure contributions

Financial Implications (Potential New Homes Bonus for major applications):

It is estimated that this development has the potential to attract New Homes Bonus of **£2,071** per annum, payable for a period of 6 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

'Whitegates' is a detached bungalow at the northern edge of Newton Ferrers, a village on the river Yealm. It occupies a large plot (785sqm) that contains two mature trees in the rear garden. Like its neighbours the property occupies an elevated plot, above Parsonage Road, the main road through the village.

The surrounding area is low density residential in character. To the south lies Archers Court, a small housing complex, separated from the site by a residential service road and beyond that St Catherine's Place, retirement bungalows. To the north 'Elmcroft', a single storey dwelling and, to the east open fields. 'Elmcroft' has a number of windows and glazed doors on its western elevation facing towards Whitegates. A concrete block boundary wall separates the two properties.

The Proposal:

Planning permission is sought for three houses: a pair of 2 bedroomed semi-detached houses and a three bedroom detached house.

The pair of semi detached houses contain an entrance vestibule, combined hall, living room/dining room WC and kitchen at ground floor level and two bedrooms and two bathrooms one en-suite at first floor level. They are handed versions of each other. The detached house comprises combined entrance hall kitchen dining and living room and single garage at ground floor level and three bedrooms two bathrooms one en-suite at first floor level.

The proposed site layout shows two buildings with a communal drive through the middle leading to a rear parking area. The houses are generally long and narrow houses in shape (12x4 m for the semis in a slightly staggered configuration) with small private gardens to the rear (Plot 1 approximately 60sqm, Plot 2 -44sqm and Plot 3 48sqm) and balconies on the two semi detached units. A total of 7 parking spaces are shown provided in the rear and front parking areas

Consultations:

- **County Highways Authority** –No objections in principle to the proposals. A licence will be required to adjust the public highways verge to enable the access point to be constructed. A section 171 licence will be required. Seek a condition to require both access points to be completed prior to occupation and no mud, stones, water or debris on the highway.
- **Environmental Health Section** – No objection, subject to a condition relating to unexpected contamination.
- **Newton and Noss Parish Council** – Object to the proposal on the grounds that it would: harm the AONB, the boundary hedge, represent overdevelopment with insufficient garden space, be of excessive bulk and scale, be incompatible with the surrounding buildings overlook neighbours ; have a detrimental impact on road users; lacks consideration of drainage and is visually damaging to the character of the area.

Representations:

The Council has received 35 individual letters of representation (LOR's) and 38 petition style letters. Five letters, and the petition style letter, support the proposal: 30 object to the proposal.

The reasons for support can be summarised as follows:-

- There is a need in this village for lower-cost housing, and these dwellings seem to meet this need. Smaller houses fill the need between homes for the wealthy and affordable housing schemes. The development has a social asset impact providing a downsizing opportunity for those who occupy much larger houses beyond their needs.
- The proposed density is not different from that for 16 affordable houses further up Parsonage Road.
- The applicant's understands the need to protect and retain as much of the trees , shrubs and Devon Bank as possible
- I understand that, despite the pre-planning opinion, the planning officer has indicated that he intends to recommend refusal, which position would appear to be perverse.

The grounds of objection can be summarised as follows:-

Overdevelopment

- Overdevelopment of the site. The plot is too small to accommodate 3 dwellings.
- Development of three two storey houses quite excessive and completely out of character with surrounding properties which are bungalows
- Whitegates is too small for this kind of intensive development.
- There would be insufficient garden or amenity land with the plot being over developed
- The proposal for three properties would lead to excessive bulk and scale on the plot
- It will leave the new properties with virtually no garden and a car park next to my garden
- The proposal is incompatible with the design of existing buildings adjacent
- Neither the scale nor the density of the buildings can be regarded as good or appropriate design for this setting. Three two storey dwellings on this plot clearly constitutes overdevelopment of the site. Neighbouring properties on all sides are bungalows, and replacement of the old existing bungalow by another one, or possibly two smaller ones, would seem the best outcome.

Impact on neighbour's amenities

- The houses will be overbearing and dominant, overlooking the bungalow Elmcroft resulting in loss of their privacy and also Nos 1&2 Archers Court
Communal car park at far end of the plot will mean traffic movement especially after dark with lots of light interfering with houses opposite in Archers Court
- The car parking takes away all the supposed gardens and will create extra traffic on the highway. The owner already parks on his drive and makes it difficult to exit from Archers Court by blocking the view up Parsonage road.

Access and extra traffic

- Extra traffic more dangerous for vehicles or pedestrians exiting Archers Court
- Will increase the number of vehicles on the plot. Newton Ferrers has a poor public transport service
- Parking on the footpath is common practice new residents likely to park here reducing visibility for other drivers using the roads
- The footpath is regularly used by families with young children who live in Archer Court and is on route to the village school. There have been accidents. Questions whether the views of the highways Authority have been sought..
- The car parking takes away all the supposed gardens and will create extra traffic on the highway. The owner already parks on his drive and makes it difficult to exit from Archers Court by blocking the view up Parsonage road.

Harm to Devon Bank and Trees

- Harm to the landscape of an Area of Outstanding Natural Beauty (AONB)
- The proposed development is too close to the Devon Hedge, associated trees and vegetation which would require removal with associated loss of wildlife habitat

Miscellaneous

- There has been no consideration of foul or storm drainage from the site
- The reference to 'affordable housing' would appear to be misleading and a crude attempt to imply there may be Section 106 Agreement which would appear not to exist.
- The council has responsibility under the Human Rights Act
- Neither the present owner nor developer/agent has had the courtesy to bring their plans to the notice of the owners of neighbouring properties, let alone to offer any opportunity to discuss them, suggesting that they are all too aware of the many reasonable objections they were likely to encounter.
- This proposal goes against the Development Policies for the South Hams in many respects. In particular, Sections DP1, DP2, DP3 and DP7.

Relevant Planning History

None – pre-application advice was sought and officer support indicated

ANALYSIS

Principle of Development/Sustainability:

The existing bungalow is a detached rendered brick structure with hipped tile roof. It has the potential to provide a pleasant residential environment, and is comparable scale to its single storey neighbours, but is not of any special architectural merit that would justify requiring its retention. It is located within

the Noss Mayo village settlement boundary. Noss Mayo is considered to be a sustainable location and re-development is considered to be acceptable in principle both in relation to Policy CS1, Location of Development, and Policy CS5 previously developed land.

Design/Landscape:

Core Strategy Policy CS7 Design and Policy DP1 High Quality Design of the Development Policies DPD are relevant along with paragraph 64 of the National Planning Policy Framework (NPPF)

Para 64 of the NPPF states:- *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.'*

Policy CS7 states:-

- 1 Development proposals must include and promote good design which respects local distinctiveness, respects the character of the site and its surroundings in order to protect and enhance the built and natural environment, creates safer places and deters crime*
- 2. Development proposals should create places with their own identity, where public and private spaces are clearly distinguished with attractive and successful outdoors areas that are easy to get through and more move through that have a clear image and are easy to understand, that can change easily and have variety and choice*

Whist Policy DP1 makes similar points in a slightly more specific way.

The proposal is considered to represent overdevelopment of the site. In order to try and accommodate houses, and provide enough parking provision, nearly half the site has been given over to parking. Vehicles are shown introduced into the rear of the site. The design of the houses is contrived, disproportionately narrow in width in relation to length providing 12+m. sections of two storey wall on the sides, and the gardens for plots 2 and 3 would be in the shadow of, and dominated by, large mature trees.

The overall result is that the development would appear as a very urban form, shoehorned into a village context. Given the character of this section of Parsonage Road, including the immediate neighbour at Elmscroft, is suburban, single storey bungalows, a development of narrow fronted, two storey, town houses filling the whole width of the plot with deep side elevations and vehicle access through the middle will appear as a jarring urban form that fails to respect the character of the area. As such the proposal is considered contrary to policies CS7, DPOP1 and Para. 64 of the NPPF.

Neighbour Amenity:

Policy DP3, Residential Amenity is relevant. It makes clear that development should not be permitted if it has an unacceptable impact on the living conditions of occupiers of nearby properties. It goes on to state that unacceptable impacts will be judged against the level of amenity generally accepted within the locality.

Elmscroft, the immediate neighbour to the north, is the property most affected by the proposed development. Like Whitegates it is a bungalow orientated east-west on its plot with main windows on the north west elevation in the front and south east elevation in the rear. But it also has a glazed door and secondary windows on the south west elevation facing towards Whitegates. Because the boundary between the properties is not straight, but tappers towards the east, the two bungalows are not in alignment: Elmscroft sits much further back on its site, with its south west elevation facing, at an angle, towards Whitegates. Currently a white painted block boundary wall separates the two bungalows and maintains privacy.

The proposal would result in a two storey detached house, 7m in width, in very close proximity (2m at closest) immediately to the south west of Elmscroft. It would have windows in its eastern elevation serving a living room at ground floor level and master bedroom at first floor level. It is considered that a building of this height and bulk, orientated immediately to the south west of Elmscroft, would have

an overbearing and dominant impact upon the amenities of that property. Furthermore the two storey nature of the proposal would provide opportunity to overlook, albeit at an angle, the side elevation of the bungalow from the first floor bedroom window.

Whilst the overbearing impact and oblique overlooking from the proposed detached house are considered to be the main adverse impacts upon Elmscroft there are also some concerns about the intensity of use being proposed immediately adjacent to the boundary. These concerns relate to both the limited size of the proposed garden and the nature of the rear parking court shared between the occupiers. A detached house with three bedrooms is likely to attract family occupation. With a rear garden of approximately 60sqm this area has the potential to be used intensively. Concentrating external activity immediately adjacent to the side elevation of Elmscroft has the potential to cause noise disturbance to occupants. A shared parking court, even if gated with access controlled to the residents of the three houses, would still bring noise (engines, radios, conversations) and light. These concerns give weight to the view that the proposal would have an overbearing impact detrimental to the neighbour's amenity.

This relationship is considered to have overbearing and dominant impact upon Elmscroft and result in a loss of privacy through overlooking, contrary to Policy DP3.

The impact of the proposed development upon the amenities of neighbours in Elmscroft and Archers Court, on the southern side of the development, is considered to be satisfactory. A retained Devon bank and access road separate the site from these properties. Even accepting that the Devon bank is likely to be cut back it will still provide a degree of screening from the southern elevation of the pair of semi detached houses.

Highways/Access:

Policy DP7, Transport, Access and Parking, is relevant. Among other things, it requires development proposals to *c. have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal and d. not materially impair highway safety or traffic movement; and e. not detract or conflict with the transport function of the road.* The highway Authority have assessed the application and are satisfied, subject to condition, that the proposal will not have an adverse impact upon the road network. A refusal on these grounds cannot be justified.

The level of parking provision proposed, not its' layout and design, is considered to be adequate.

Other Matters:

The proposal involves the removal of the existing three bedroom bungalow and its replacement with a three bedroom house and two 2 bedroom houses. A net gain of 2x2bedroom houses. When the application was submitted, Policy CS6 required an off-site contribution towards affordable housing for developments of 2-5 dwellings. The applicant submitted a viability assessment which sought to demonstrate the unviability of the scheme. This was still being assessed by the Council's independently appointed advisor when the Court of Appeal decision overturned the High Court ruling on the West Berkshire and Reading councils case on the government's planning policy guidance on not seeking affordable housing contributions from smaller (sub 10 units/1,000sqm floorspace) development proposals. The DCLG states that this restores the PPG guidance. At the time of writing it is not clear whether West Berkshire and Reading councils will challenge the Appeal Court's ruling at the Supreme Court. However, SHDC position is that if, as is the case here, the Government's challenge to the High Court ruling is successful, it will adopt government policy. Therefore no affordable housing contribution will be sought from this development

Policy DP8: Open Space, Sport and Recreation requires a contribution (£4,875) to public open space, sport and recreation facilities where new development consists of 2 or more dwelling. In the absence of a mechanism to secure this contribution the proposal is contrary to this policy.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside
DP16 Conversion and Reuse of Existing Buildings in the Countryside
DP17 Residential Extensions and Replacement Dwellings in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries
SHDC 10 Access Housing
DP 6 Noss

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.