

# PLANNING APPLICATION REPORT

**Case Officer:** Charlotte Howrihane **Parish:** Stoke Fleming **Ward:** Blackawton and Stoke Fleming

**Application No:** 1618/16/VAR

**Agent:**

Mr Michael Bailey  
9 Swan Court  
Victoria Road  
Dartmouth  
TQ6 9EA

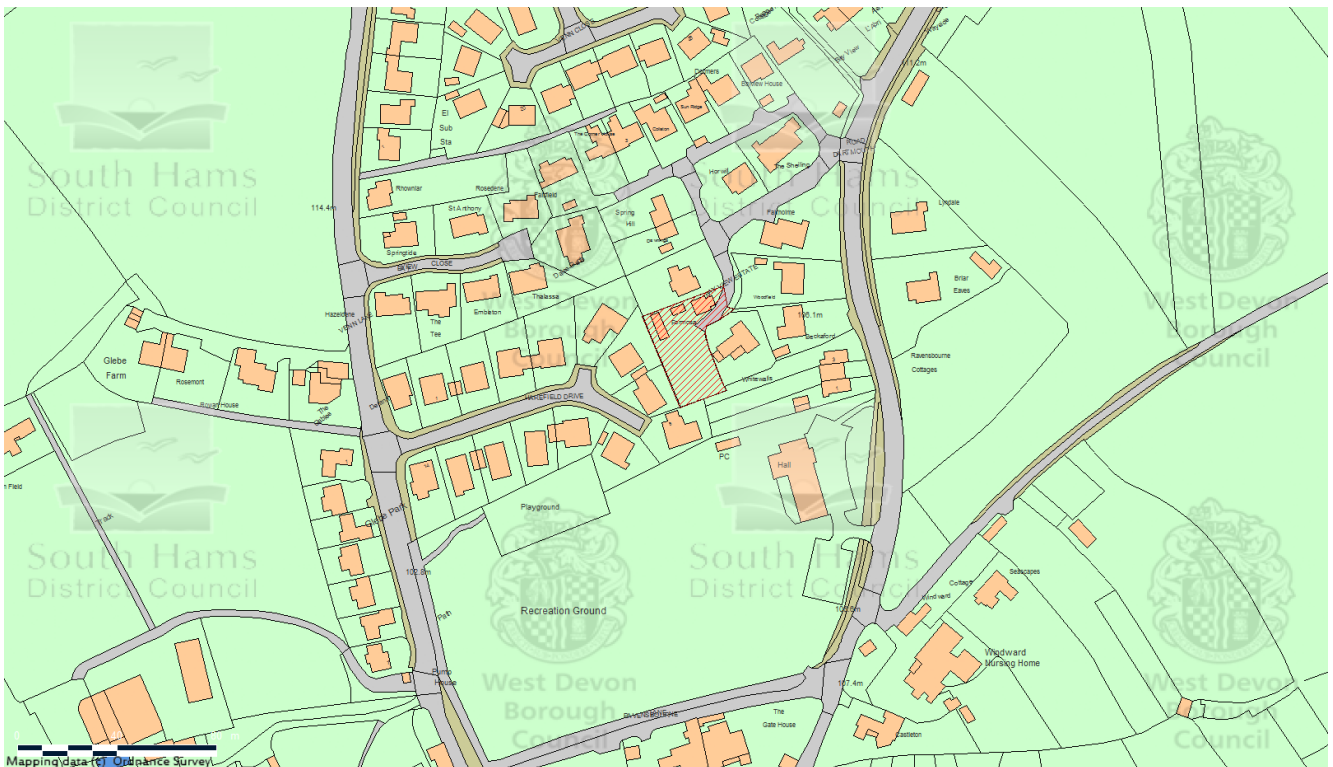
**Applicant:**

Mr Ferris  
Ferris Builders Yard  
Bay View Estate  
Stoke Fleming  
TQ6 0QX

**Site Address:** Ferris Builders Yard (Plot1), Bay View Estate, Stoke Fleming, TQ6 0QX

**Development:** Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1

**Reason application is at Committee:** Cllr Hicks has requested the application to be heard by the Committee due to the serious concerns raised by the Parish Council, and his own concerns that the proposal does not constitute good design.



**Recommendation:** Conditional approval

**Key issues for consideration:**

Design, Neighbour Impact

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**Site Description:**

The site is a former builders' yard situated at the end of the Bay View Estate in Stoke Fleming. Various planning permissions have previously granted approval for the erection of two bungalows on the site. One of the bungalows is partially built, with a caravan on the site of the second bungalow currently whilst the building work takes place. A large boundary wall runs along the eastern and southern boundary of the site, which borders properties in Harefield Drive, and a large hedge runs along the northern boundary between the site and Formosa, a two-storey dwelling to the north of the site.

**The Proposal:**

The application seeks to vary planning approval 51/0207/02/F, which granted permission for two bungalows. This application seeks to amend the design of the northern bungalow (plot 1) to allow living accommodation at first floor level. This would involve re-orientating the property layout, and raising the roof to link the garage to the property. A dormer would be constructed to the south elevation, to facilitate a games room, with a long, thin dormer to the north elevation, where a landing/hall area and shower room would be situated. The roof heights vary through the property, but at the highest point would measure 5m, approximately 0.3m higher than the highest point of the previous approval.

**Consultations:**

- County Highways Authority- no comment
- Parish Council- Stoke Fleming Parish Council objects to the proposal: '*Overdevelopment on a small site. It is too close to neighbours' boundaries and too high to encroaching on privacy of adjacent dwellings. This proposed plan is not a minor variation but a complete change from the original accepted plan.*' The revised plans were then sent to the Parish Council, who still wish to object to the application.

**Representations:**

Eleven objections have been received from four residents; three have sent more than one letter with additional information. The objections are available in full to read on the Council website but can be summarised as follows:

- The description of the application as a minor amendment is incorrect
- A two-storey building on the site has been refused previously
- No measurements are given and so the application is misleading
- The additional height would impact on neighbours
- Overdevelopment
- The proximity of the house to the boundary would cause a noise disturbance to the gardens of neighbours
- The bungalows which were granted permission nearly 20 years ago have not been completed and the site is an eyesore

- The bungalow would be right on the boundary of the neighbour 'Formosa'
- The proposed dormer would overlook Formosa. As Formosa is higher than the application site, they would end up looking out over the roof of the proposed dwelling
- The increase in roof size is of an inappropriate scale
- There is no space for turning or parking on the site, the entrance is narrow and access restricted
- The supporters of the proposal are friends of the applicant and will not be affected by the proposal
- Enforcement action on the site has not been adhered to
- Planning permission has been refused for similar projects in 1996 and 1997

Three letters of support have also been received, which can be summarised as follows:

- The proposal would enhance the site and blend in well
- There would be no more overlooking than already exists within the estate
- Not everyone wants a large garden
- The proposal is more attractive than the builder's yard which was previously on the site
- The overall volume of building on the site would be less than the warehouse and builder's yard which was previously there, and so the proposal could not be considered overdevelopment
- Questions the objection that the proposed roof would be visible, as roofs can generally be seen from neighbouring dwellings

### **Relevant Planning History**

- 51/0984/96/1- Outline application for the erection of two bungalows- conditional approval
- 51/0984/96/1- Outline application for the erection of two bungalows- refusal
- 51/2078/96/3- Demolition of building and construction of two bungalows- conditional approval
- 51/0207/02/F- Renewal of permission 9/51/2078/96/3 for demolition of building and construction of two bungalows- conditional approval
- 51/2045/03/F- Demolition of builder's store and construction of two bungalows- conditional approval
- 51/1208/13/F- Revision to approved application 51/2045/03/F for the erection of two 1.5 storey homes- refusal

### **ANALYSIS**

#### Principle of Development/Sustainability:

The site is within the village development boundary. Within such an area policy permits development where it is compatible with the character of the site and its surroundings. Officers do not consider the proposed alteration to be substantially larger than the previously approved dwelling that the site would appear overdeveloped. There is an eclectic mix of houses within the Bay View Estate, both single-storey and two-storey, and so the proposed alteration to the approved design is considered to accord with these policy requirements.

#### Design/Landscape:

The design of the current scheme has a greater massing in comparison to the approved scheme, by virtue of the dormers and extra living space in the roof, and the linking of the

garage to the property, where it was previously detached. Concern has been raised about the design of the proposed dwelling. The design has been constricted to a certain extent by the attempt to prevent any overlooking or dominance to neighbouring properties, whilst maximising the living space available for the occupants of the new dwelling. On balance, the addition of dormers and increase in roof massing is considered to be an acceptable design, given the relatively obscured position of the site at the end of the cul-de-sac, particularly the northern dormer, which would be very close to the large boundary hedge to the north of the site.

To the eastern boundary of the site is Harefield Drive, a cul-de-sac of bungalows with a very uniform appearance. However, as mentioned above, the Bay View Estate has less of a uniform appearance, with dwellings varying in both height and design. Whilst the design would be unique within its surroundings, the variety of building styles in the local area would allow the approved scheme to be amended without any significant impact on the street scene, and without impacting upon the character of the cul-de-sac.

The site is within a built-up residential area, and would not be visible from the public highway. As such, Officers do not consider that there would be any wider landscape impact, and the AONB setting would be preserved.

#### Neighbour Amenity:

Officers initially raised concerns regarding the increase in roof height, given the proximity of the site to bungalows in Harefield Drive (particularly no's 6 and 7). The application has now been amended to reduce the angle of the roof to the rear of the property, to minimise the overbearing impact of the proposal. This would mean that the highest part of the roof has now been moved back by 2.6m, and would now be 13.2m from the boundary with properties in Harefield Drive. Noting the relatively tall boundary wall between the two sites, Officers are satisfied that this distance is now great enough as to not have an overbearing impact on the bungalows to the rear. There would be no windows above ground-floor level to the east elevation, and so there would be no opportunity for overlooking from the application site, and the impact of the residential amenity of these neighbours would be no greater than that of the approved scheme.

Objections have also been received from the neighbours to the north, at Formosa. Although the proposed dwelling would be extremely close to the boundary with Formosa, there is currently a very tall, thick hedge which screens the two sites from one another. This hedge is not under the control of the applicant, but were it to be removed, Officers do not consider the proposal to be too dominant, as Formosa is a two-storey dwelling. As well as being a two-storey dwelling, Formosa is also at a higher ground level than the application site. This means that even with the increase in height of the proposed dwelling, the site would not dominate or be overbearing to Formosa. Part of the objection from the occupants of Formosa is that they would look out over the site onto the roof of the proposed dwelling. Impact on a view is not a material planning consideration and so this does not form part of the Officer's judgement of the proposal. The proposed dormer to the northern elevation has one window proposed, which is to be obscure-glazed, and so overlooking into Formosa would be possible. This window would be conditioned to be obscure-glazed, with no other windows permitted without LPA approval, as part of any approval granted.

The issue of the proximity of the dwelling to the northern boundary with Formosa has been raised several times by objectors. Whilst the dwelling would be close to this boundary wall, the nature of the site means that previously approved applications have also been relatively

close to the boundary. The applicant has also pointed out that were the separation distance wider, future owners of the site could create an access path to the north of the dwelling, which could also have implications on the privacy of Formosa.

The south elevation would face the bungalow constructed as part of the same original permission. As the garage for the other dwelling would be sited between the two dwellings, and there is a reasonable distance between the properties, Officers are not concerned about the impact of these properties on one another. Similarly, the west elevation faces the access road through the Bay View Estate, and so does not cause any concerns regarding neighbour amenity.

On balance, whilst Officers acknowledge that the proposal would have an impact upon neighbouring dwellings, they must bear in mind that permission for a dwelling has already been granted on the site. The proposed amendment to the design is not considered to be so significant in terms of height increase and design that the impact on neighbours would be greater than the previously approved proposal, and would not become harmful. No additional opportunities for overlooking or impact to privacy would be created, and Officers therefore consider the proposal to be acceptable with regard to neighbour impact and the considerations outlined in policy DP3.

#### Highways/Access:

No highways issues are raised

#### Other matters:

Several objections have commented that the proposal is not a 'minor amendment' to the approved scheme. Officers would agree with these comments, and that is why the application has been considered as a variation, rather than a minor amendment application. As the description does not have a bearing on the planning merits of the application or how Officers determine it, it was not considered necessary to re-advertise the application.

#### Enforcement:

Objections have mentioned enforcement action on the site. There is currently an enforcement case open on the site, regarding the siting of a caravan, as there is a dispute as to whether or not work on the site are ongoing. The Enforcement Officer is awaiting the outcome of this application to determine whether or not it is expedient to take action on the site.

#### Previous permissions:

One objection states that permission for similar proposals were refused in 1996 and 1997. The planning history has been listed earlier in the report, which shows a refusal but subsequent approval in 1996, but no history in 1997. Regardless of this, these applications are 20 years old, and different policy considerations would have been in place at that time. Officers must consider this proposal on its own merits, and in accordance with current local and national planning policies.

#### ***Recommended conditions:***

1. The development hereby approved shall in all respects accord strictly with the Site Location Plan, received on 2<sup>nd</sup> June 2016, and drawing number Bay View Plot 1.03 received by the Local Planning Authority on 22<sup>nd</sup> July 2016

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The proposed floor levels and ridges of the roofs of the development hereby permitted shall accord strictly with the details indicated on the approved plans.

Reason: In the interest of appearance and residential amenity.

3. The parking facilities for motor vehicles shall be provided for each dwelling. No dwelling shall be occupied until such provision and vehicular access thereto have been provided. These facilities shall be kept permanently available for the parking of motor vehicles.

Reason: To ensure that adequate off-street car parking facilities are provided.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment)(No. 2) Order, 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alteration)

(c) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(d) Part 1, Class F (hardsurfaces)

(e) Part 1, Class G (chimney, flue or soil and vent pipe)

(f) Part 40 ,class A & B (Installation of domestic Microgeneration Equipment)

(g) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

5. Prior to the occupation of any of the residential units hereby approved, all hardsurfacing and means of enclosure shall have been provided in accordance with the approved plans and thereafter so retained and maintained.

Reason: In the interests of visual and residential amenity

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) the window hereby approved on the dormer of the northern elevation of the building (as shown on drawing number Bay View Plot 1.03) shall be glazed in obscure glass, be fixed closed, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) no openings other than those authorised by this permission (if any) shall be at any time be inserted in the northern elevation at first-floor level of the development hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours.

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

**Planning Policy**

***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

**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.