

PLANNING APPLICATION REPORT

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

Application No: 3542/16/VAR

Agent:

Mr Michael Bailey
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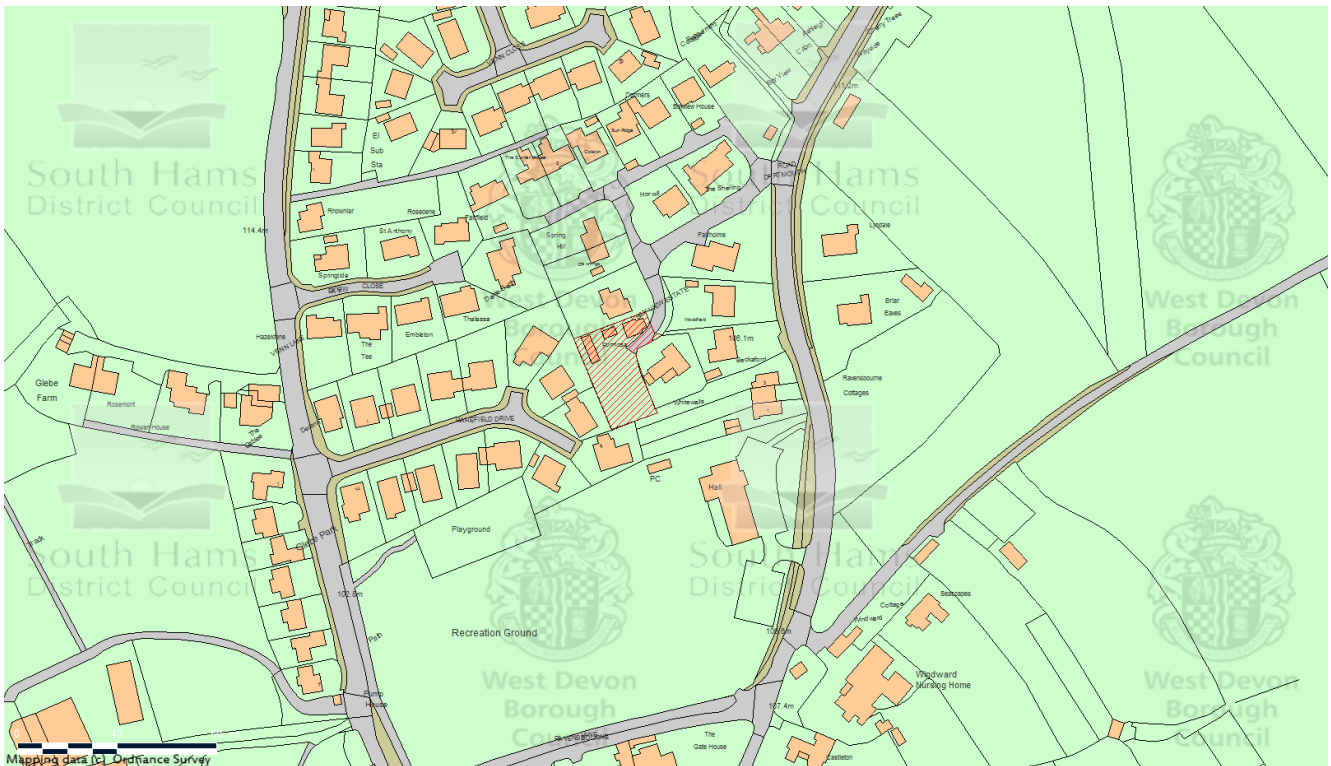
Applicant:

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: Application variation of condition numbers 2, 3 and 4 following grant of planning permission 51/2045/03/F to allow changes to approved plans

Reason item is brought before Committee: Cllr Hicks has requested that the application comes to Committee as concerns from the last application have not been addressed, and this proposal could risk a two-storey building in the future.



Recommendation: Conditional approval

Conditions:

Accord with plans

Floor levels and roof ridges to accord with approved details

Parking to be provided for each dwelling prior to occupation

Removal of PD rights

Hardsurfacing and means of enclosure to be provided prior to occupation

Unsuspected contamination

Key issues for consideration:

Design, Neighbour Impact, difference between the approved and proposed schemes

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 conditions 2, 3 and 4 of planning approval 51/20145/03/F, which granted approval for the construction of two bungalows. The variation of these conditions would allow the design of one of the bungalows (one has already been partially constructed) to be amended. The key changes are the increased roof height and pitch, and the linking of the garage to the house by this roof, with a space retained underneath to be used as a carport, as well as repositioning the dwelling within the site.

Consultations:

- County Highways Authority- no comments
- Parish Council- Object- *'They consider this application as overdevelopment for a small site. There is too little outdoor area for a family home. The previous application 2045/03/F was more in keeping with the surrounding homes. The Parish Council suggests reducing the size of the property, taking off the car port but keeping the garage, thus reducing the mass of the roof giving the whole project a better sense of scale and design. Velux windows only on the south elevation are acceptable.'*

Representations:

Two residents have submitted letters of objection (more than one letter has been received from some). These letters can be seen in full on the Council website, but can be summarised as follows:

- The application is very similar to that refused by the Development Management Committee
- The site boundaries are incorrect
- If the boundaries were drawn correctly there would be no space within the site to turn a car
- Questioning if the site is free from contamination
- The footprint of the dwelling dominates the site
- Close proximity to neighbouring boundary wall, no room to build without access neighbours land
- Unightly and unnecessary massing
- Not good design
- Overdevelopment
- Out of keeping with local built form

Four letters of support have also been received, which raise the following points:

- The development will blend in with surrounding properties and will enhance the area
- No overlooking into gardens
- Position of site at the end of the cul-de-sac prevents through traffic
- The proposal has been amended to address concerns of neighbours
- Proposal enhances the original permission and improves appearance
- Good design

Relevant Planning History

- 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
- 1618/16/VAR- 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- withdrawn (following vote to refuse at Development Management Committee)

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 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.

Difference to 1618/16/VAR:

Application 1618/16/VAR was refused by the Planning Committee in September 2016, and subsequently withdrawn by the applicant. The key differences between the last application and this current proposal are as follows:

- Removal of first-floor accommodation
- Removal of dormers to north and south elevations
- Repositioning of the dwelling to increase distance from northern boundary wall with Formosa from 0.3m to 1m.
- Redesign of roof to create singular ridge height and increased pitch to 27.5°

Difference from approved scheme:

When compared to the bungalow approved in 2003, the proposal would increase the footprint of the building, as well as increase the ridge height by half a metre. The building would be repositioned within the site, moving from its approved position adjacent to the partially-constructed bungalow, and using the roof to connect the garage to the dwelling, leaving a carport area between the two at ground level.

Design/Landscape Impact:

The proposed design would increase the height of the roof by approximately half a metre. It would also increase the amount of roof which is at this maximum height, so that there would be a 5m high ridge,

running along almost 11.5m of the roof. This creates a greater expanse of roof when compared to the approved bungalow, which had varying roof heights across the building. This amendment has been proposed to allow an increased roof pitch, which would allow the applicant or any future owners of the site to install solar roof tiles, as this increased pitch is recommended by manufacturers of such tiles.

Although the increased ridge height does create a greater sense of massing to the roof, Officers judge that a more singular roof line is more attractive when considering the appearance of the property overall. The previous extension, with varying roof heights and ridge sections, could be considered rather disjointed, whereas the proposed roof design is considered to create a more cohesive building overall. The linking of the garage to the property also adds to the sense of mass of the dwelling, but is somewhat mitigated by the car port space which is left between the garage and the dwelling. Given the relatively obscured position of the site, at the end of a cul-de-sac, away from the public realm, Officers consider that the balance between the increased roof massing and the improved design is appropriate in this location. The footprint of the building leaves room on the site for amenity/garden space as well as parking and turning areas for vehicles. The principle of two dwellings on the site is long-established, and the proposed dwelling is not considered to be so much larger than the approved scheme that the site would now be overdeveloped.

On balance, the proposed design is considered to be acceptable. Whilst the design is fairly unique within the local area, the variety of building styles within the Bay View Estate would allow the proposed amendments to the approved scheme to be carried out without any significant impact on the street scene, or 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:

Although the roof height has been slightly increased, the property would remain a single-storey bungalow. As such, there would be no increased overlooking to neighbour behind the site, in Harefield Drive. The properties in Harefield Drive are bungalows, with a tall stone boundary wall between these bungalows and the application site. Officers are satisfied there is a significant enough separation between the bungalows in Harefield Drive and the application site that the increased roof height would not be overbearing to these properties. Overall, the impact on residential amenity of these neighbours would be no more harmful than that of the previously approved scheme.

An objection has been received from the neighbouring property to the north, 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 increased roof height of the proposed dwelling, the site would not dominate or be overbearing to Formosa. There would be no additional windows, so overlooking and privacy impact would be unaffected from the approved dwelling, and so Officers do not consider the proposal to be harmful to the amenity of Formosa.

Concern was raised during the consideration of the previous application (1618/16/VAR) regarding the proximity of the north elevation to the site boundary with Formosa. This has been raised again in the neighbours objection. The proposed dwelling has now been slightly repositioned so that the dwelling is approximately 1m from the northern and eastern boundaries. This position has been settled upon to allow sufficient space at the site entrance for parking and turning spaces for both dwellings. Although the distance between the north elevation and the boundary wall is still smaller than would be preferred, the position of the dwelling is somewhat limited by other restrictions (such as space to manoeuvre vehicles and access the second dwelling). Given the elevated position of Formosa above the site, the hedge screening, and site constraints, Officers consider the position of the layout to be

acceptable; due to the minimal impact to neighbour amenity for the reasons given above, it is not considered that this proximity to the boundary would warrant a refusal of the application.

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.

The proposed amendment to the approved 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:

One objection states that the boundaries shown on the plans are incorrect. There are ongoing boundary disputes at the site, but this is not a material planning consideration, and would have to be pursued as a civil matter. A question has also been raised about contamination on the site. As permission has been granted on the site previously for a dwelling with no concerns raised by the Council's Environmental Health Team, Officers have no reason to consider the site is unsuitable for residential development, but an unsuspected contamination condition is proposed to be added to any approval.

Conclusion:

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 amendments are not considered to be so different that the dwelling would now be unacceptable in terms of design, or landscape impact, and the impact to neighbours would not be increased to a harmful extent. The proposed dwelling is considered to accord with all relevant planning policies. It is therefore recommended for conditional approval.

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

Planning Policy

NPPF

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.

Proposed conditions:

1. The development hereby approved shall in all respects accord strictly with the plans received on 7th November 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 interests 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.

8. If, during development, contamination not previously identified is found to be present at the site, then no further development, (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: This condition is required where no desktop study has been carried out or if the desktop study failed to completely characterise a site.