

PLANNING APPLICATION REPORT

Case Officer: Mrs Clare Stewart

Parish: Stoke Gabriel

Application No: 52/0782/15/F

Agent/Applicant:

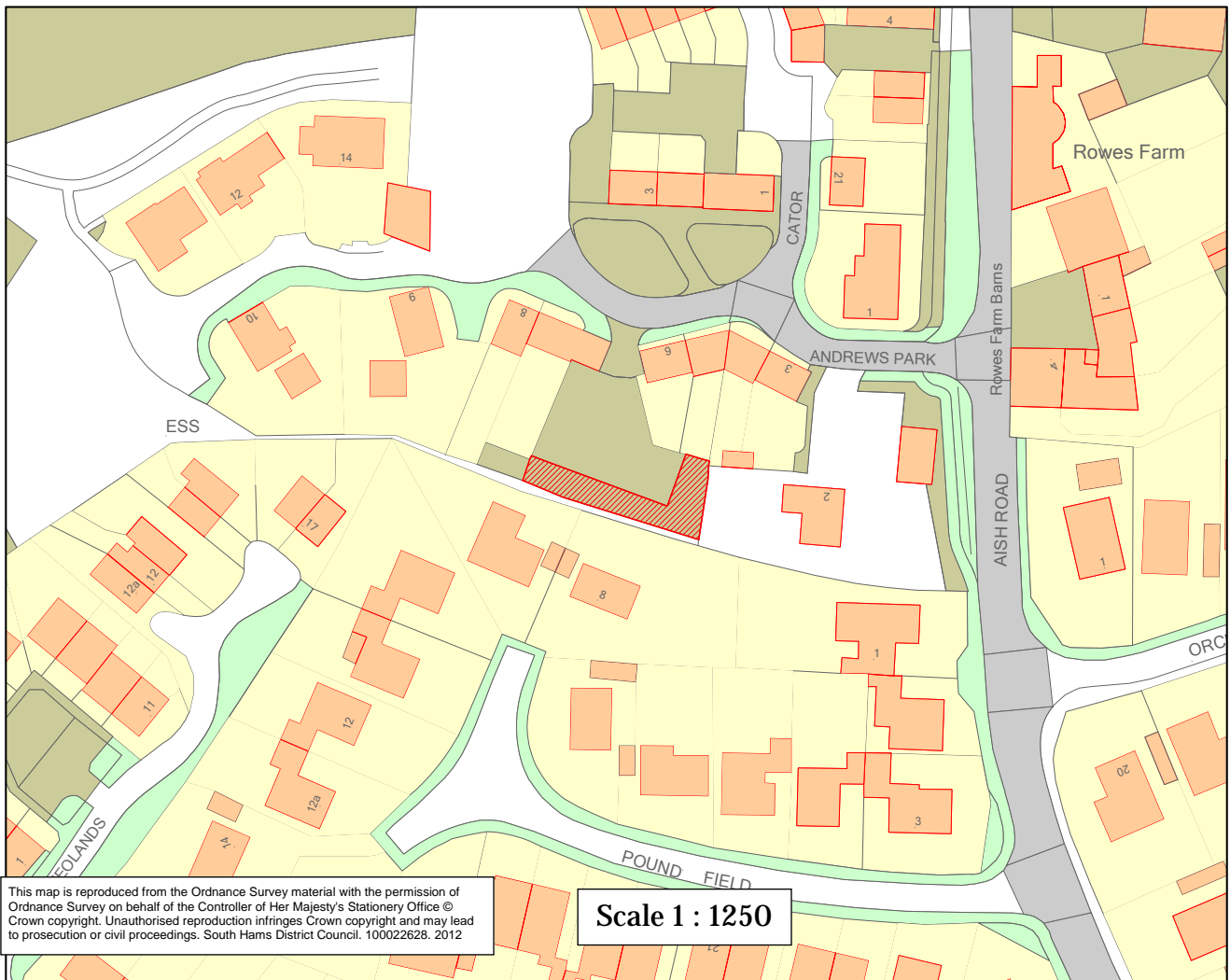
Linden Homes SW
Homeside House
Silverhills Road
Newton Abbot
TQ12 5YZ

Site Address: Land adj to 8 Andrews Park, Stoke Gabriel, Totnes TQ9 6FF

Development: Change of use to domestic curtilage and erection of greenhouse and shed

Reason item is being put before Committee

Ward Councillor is concerned given number of objections received and strong objection from Parish Council. Area designated as landscape buffer to protect neighbouring properties in Pound Field. Landscaping has never been completed.



Recommendation: Conditional approval

Conditions

1. Time limit
2. Accord with plans
3. Boundary planting to be implemented in first available planting season and thereafter maintained
4. Use as garden area only
5. Removal of permitted development rights for additional structures

Key issues for consideration:

Principle of change of use, design, visual impact.

Site Description:

Andrews Park forms part of the Rowes Meadow development of 43 dwellings on edge of Stoke Gabriel, which was granted planning consent in 2011. The permission has since been implemented and the new dwellings constructed and occupied. The original approval includes a landscape scheme with associated maintenance programme. The site subject of this application, located on the south west boundary of the original development site, forms part of the approved landscape scheme. The application site extends from the existing rear garden of 8 Andrews Park along the rear of a communal parking area to the gardens on the other side. To date the approved landscape scheme has not been implemented in this area. A 2 metre high boundary wall between the Rowes Meadow development and the residential properties at Pound Field (which forms part of the existing consent) has been constructed in accordance with the previously approved scheme, with a timber fence along the boundary with 2 Andrews Park.

The Proposal:

Consent is sought to change the use of the land to residential garden, and erect a greenhouse and shed. The proposed greenhouse would measure approximately 2m x 2.6m x 2.1m, and the shed approximately 3.2m x 1.8m x 2.1m to the highest point of a sloping roof. It is also proposed to construct a bin store measuring approximately 1.8m x 2.3m x 2.4m. the existing boundary wall would be retained.

The application has been submitted following complaints to the Council that the approved landscape scheme for this area has not been implemented. The application site is now in separate land ownership from the rest of the communal landscaping areas.

Consultations:

- County Highways Authority – No highways related issues
- Natural Environment – No objection
- Stoke Gabriel Parish Council – Objection – proposed use of land contrary to original agreement that stone wall would provide privacy to neighbours in Pound Field. Stone wall and defensive planting were major issues in consultation process. Greenhouse and shed

would cause unacceptable neighbourly impact. Visual impact would be detrimental to area. Application should be refused and new planting carried out as originally agreed.

Representations:

25 letters of objection to the application have been received (including a number of standard letters with multiple signatures). The issues raised are summarised as follows:

- Negative visual impact, not in keeping with character of wider development
- Detrimental impact on residential amenity
- Original approval showed this area as being open space with landscape planting and was agreed with local residents, should be retained as previously agreed.
- Agreed defensive planting was designed to keep pedestrians away from the wall and stop them from using it as a seating area, and to stop erection of domestic structures
- Landscape Officer response underestimates impact of proposal
- Overdevelopment
- Loss of open space and car parking
- Height of proposed structures not shown on plans
- Loss of view
- Precedent for other structures
- Access to neighbouring fence for maintenance would be restricted by planting
- Impact on neighbouring property values
- Greenhouse and shed would be susceptible to vandalism and breakages if car park gates left open
- Damage to vehicles in car park if ball games played on site
- Council site visit did not reveal present condition of land
- Concern regarding work area

2 letters of support have also been received with the following points made:

- Proposal would enhance area with green planting
- No impact on boundary between Rowses Meadow development and Pound Field as would still be screened by wall.
- Proposed buildings will be no more visible than other similar structures on development

Relevant Planning History

- 52/2081/11/DIS, Discharge of condition 3 of planning application 52/0008/11/F (Residential development comprising of erection of 43 houses and associated roads, parking and open space), Rowses Farm, Aish Road, Stoke Gabriel – discharge of condition approved
- 52/1689/12/DIS, Discharge of condition (18) for planning approval 52/0008/11/F, Rowses Farm, Aish Road, Stoke Gabriel – discharge of condition approved
- 52/1614/12/DIS, Discharge of conditions 4, 5, 6, 7, 11, 12, 13, 17, and 23 of planning approval 52/0008/11/F (Residential development comprising of erection of 43 houses and associated roads, parking and open space), Rowses Farm, Aish Road, Stoke Gabriel – discharge of condition approved
- 52/1049/11/DIS, Discharge of conditions 8, 9, 14 - 16, 22, 24, 25 and 27 to planning approval reference 52/0008/11/F (for residential development comprising of erection of

43 houses and associated roads, parking and open space), Rowes Farm, Aish Road, Stoke Gabriel – discharge of condition approved

- 52/0008/11/F, Residential development comprising of erection of 43 houses and associated roads, parking and open space, Rowes Farm, Aish Road, Stoke Gabriel – conditional approval

Reference has also been made in representations to a previous application for residential development which was dismissed on appeal (ref. 52/1442/09/F).

ANALYSIS

Principle of Development/Sustainability:

The site is located within an established residential area and as such the use of the land for residential purposes raises no objection. The main issue is whether change from the approved landscape scheme to the current proposal is acceptable. The change of use would occur within the confines of the original development, and would not therefore result in any additional encroachment into the countryside beyond the village. Just because it is different from the approved scheme does not mean it is unacceptable by default. Due regard still needs to be had to the impact of the proposed change of use and associated structures in terms of other planning considerations, particularly visual impact and neighbour amenity.

Design/Landscape:

The approved landscape scheme for the Rowes Meadow development shows new native planting along the site subject of this application, with a communal parking area beyond.

The site is partially screened from the estate road by the gates to the communal parking area (which are generally closed except when in use). The proposed planting would mean that when visible the site would appear largely as a green space from public vantage points. The proposed greenhouse and shed would not be visually prominent given their scale and location. In terms of design and visual impact it is considered that the proposal does not result in substantive harm to the character of the area such that the application could be refused on this basis. The proposed buildings are fairly typical in size for domestic structures and can be amply accommodated within the site. It is not therefore considered that the proposal constitutes overdevelopment.

The Council's Landscape Officer has raised no objection to the current application, noting that the previously approved landscape planting would have had a restricted impact in terms of greening the edge of the development and that the character of the area is now principally residential with combinations of gardens, parking courts and boundary features.

If the current application is approved the site would potentially benefit from permitted development rights for additional structures incidental to the enjoyment of the main dwelling house (such as further sheds or greenhouses). Such rights would be restricted by the location of the site within the South Devon AONB (where permitted development rights are more limited). In order to ensure that any future development would not erode the character of the area it is considered reasonable to remove permitted development rights in respect of any additional structures.

The scale and location of development proposed would not result in any additional impacts on the wider AONB compared with the existing approval for the Rowes Meadow development.

Neighbour Amenity:

Letters of objection to the current application raise the issue that the site subject of this application was intended to be part of the landscape scheme as detailed above, with defensive planting used to keep pedestrians away from the boundary wall with Pound Field. The use of the site as a private garden would not result in significant harm to the amenities of the properties in Pound Field given the presence of the substantial boundary wall. A 2 metre high boundary structure is a typical means of securing privacy between residential gardens. Whilst defensive planting may have been introduced as a buffer between the parking area and the boundary wall, the use of the area as a garden will also provide a buffer from the parking area as it would obviously restrict the general public from using the space immediately adjacent to the wall. There are already views into surrounding properties from the communal car park and it is not considered the proposal would result in a substantive increase in overlooking.

Reference has been made in representations to an earlier scheme which was dismissed on appeal (ref. 52/1442/09/F). This was an application for 50 dwellings on the site and the scheme is therefore materially different to that which was eventually approved. The application did show a 2 metre high wall along the southern boundary of the site which the Inspector concluded was acceptable.

Highways/Access:

The proposal would not result in the loss of any car parking and does not raise any highways concerns.

Other Matters:

In response to points raised in representations not considered above:

- A scaled plan showing the proposed structures forms part of the application submission. The heights of the proposed structures have been measured from this plan and are detailed above.
- Access for maintenance, impact on property values, damage to private property and loss of private views are not material planning considerations.
- Concern was also raised about the 'work area' – this relates to the area where the shed, greenhouse and bin store would be located (and does not relate to any industrial or commercial use). In the interests of clarity a condition is recommended to ensure the land can only be used as a domestic garden.
- Current state of the site – Officers have visited Rowes Meadow on a number of occasions in recent months and are well aware of the current state of the site. Photographs will be included in the presentation to Committee.

For the avoidance of doubt, if the current application is approved and implemented then the Council would be in a position to take enforcement action if the planting shown on the plans is not carried out and maintained. If this application is refused then the Council is still in a position to take enforcement action to secure compliance with the landscape details previously approved as part of the wider Rowes Meadow development. Enforcement action would be taken against all parties with a legal interest in the land.

The Planning Balance:

Whilst the current proposal is different from the current approval, this does not in itself mean it is unacceptable. Having regard to the relevant landscape and amenity considerations it is not considered that refusal of the application could be substantiated at appeal, as no substantive harm in planning terms would result. As such the application is recommended for approval subject to conditions as detailed above.

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

DP7 Transport, Access & Parking

DP15 Development in the Countryside

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.