

PLANNING APPLICATION REPORT

Case Officer: Mrs Clare Stewart

Parish: Ashprington

Application No: 01/2131/15/F

Agent/Applicant:

Andy Smith
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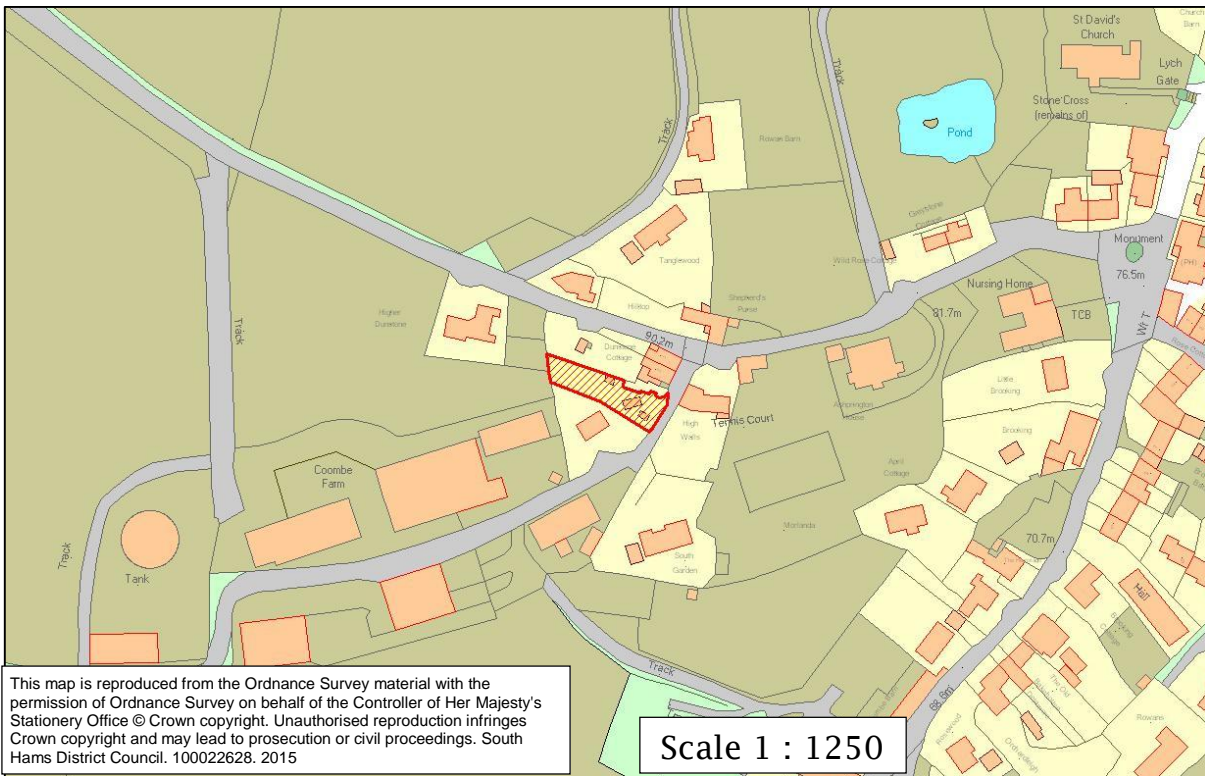
Applicant:

Mr L Marston
2 Dunstone Cottage
Ashprington
TQ9 7UW

Site Address: Proposed development site at 2 Dunstone Cottage, Ashprington, TQ9 7UW

Development: Proposed new dwelling in garden

Reason item is being put before Committee: In order for local concerns regarding design and neighbour impacts to be considered which do not form part of the recommended reason for refusal.



Recommendation:

Refusal

Reasons for refusal

1. The proposed development would be likely to result in an increase in the volume of traffic entering and leaving the Class C County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.

Key issues for consideration:

Principle, design, impact on Conservation Area and setting of nearby listed buildings, neighbour amenity, highways safety.

Site Description:

2 Dunstone Cottage is situated on the western edge of the village of Ashprington, with vehicle access via a lane to the south which runs towards Coombe Farm and also serves a small number of residential properties. The main highway into Ashprington lies a short distance to the north. The site subject of this application lies to the south of the main curtilage of 2 Dunstone Cottage and is currently used a garden area for this property, with a driveway area on the lane frontage. Neighbouring residential properties are located to the south (Smallwell Bungalow), west (Higher Dunstone), north (Four Gables) as well as 2 Dunstone Cottage itself.

The site is located within the Ashprington Development Boundary and Buffer Zone of the village Conservation Area. The site is also located within the South Devon Area of Outstanding Natural Beauty.

The Proposal:

The application proposes the construction of a two bedroom detached dwelling. The new dwelling would be set back from the lane, with two parking spaces adjacent to the road frontage with a third retained for 2 Dunstone Cottage. The dwelling itself would offer a gable end facing the lane with glazing at ground and first floor level, with a pitched roof running to the north west into the site. The principle entrance would be on the south elevation with a dormer and porch in the roof slope above. The building would set into the slope of the site, with sliding doors at first floor level on the west elevation opening onto a terrace with the garden beyond. Two window openings are proposed in the north elevation with no apertures in the roof on this side.

External finishes would include rendered walls under a natural slate roof with double glazed timber windows and doors. A 1.8m high close boarded timber fence is proposed along the northern and southern site boundaries, with a new 1m high stone wall on the road frontage (part of an existing stone wall would be taken down and the stone retained to be used in the new wall). Some additional planting along the site boundaries is also shown.

Consultations:

- County Highways Authority – Recommend refusal on highways safety

- Drainage – No comments received
- Trees – No comments received
- Environmental Health Section – No objection subject to standard unsuspected contamination condition being imposed in any approval
- Ashprington Parish Council – Objection – detrimental impact on Smallwell Bungalow (obtrusive, loss of light and overlooking from new decking area); insufficient parking provision, at least 4 spaces needed; access during construction; not in keeping with Conservation Area.

Representations:

8 letters of objection have been received, with concerns raised summarised as follows:

- Overdevelopment of small site
- Detrimental impact on neighbour amenity – loss of privacy (particularly Smallwell Bungalow), imposing height, disturbance
- Harm to Conservation Area
- Highways safety due to extra traffic, site already restricted, existing congestion issues
- Lane is not a dead end, used by farm traffic and recreational users
- 2 Dunstone Cottages has reduced its parking area to accommodate proposed dwelling, breaking law by parking so close to junction
- More elevations needed to show impact on Smallwell Bungalow
- Impact on sewer pipe
- Damage to third party property due to earth works and potential resulting subsidence
- Disruption during building works
- Precedent for building in other unsuitable gardens in village

Relevant Planning History

No formal applications of relevance have been identified. Proposals for a new dwelling on the site have been the subject of pre-application discussions with Officers.

ANALYSIS

Principle of Development/Sustainability:

The site is located within the Ashprington Development Boundary and is considered to be a sustainable location for new residential development. Due regard must still be had to other material planning considerations, with special attention had to the need to preserve and/or enhance the Ashprington Conservation Area and special regard had to preserving the setting of listed buildings in the locality.

Design/Landscape:

Proposals for a new dwelling on the site have been the subject of discussions with Officers prior to submission of the current application. The design has been amended from a two storey contemporary dwelling to a more traditional one and a half storey pitched roof structure.

Concern has been raised by third parties regarding overdevelopment of the site. Whilst it is acknowledged that the site is constrained in terms of its elongated shape and restricted frontage to the lane, it is considered the proposed dwelling is an acceptable form of development on the site in terms of its footprint. The application provides for outdoor amenity space to the rear of the dwelling with parking to the front. The impact of the proposal in terms of its proximity to the site boundaries and subsequent relationship with neighbouring properties is considered below.

Overall Officers consider the proposal is acceptable in design terms. The design approach is more traditional than contemporary, and the use of render under a pitched slate roof is considered an acceptable approach in this location. Final details of the external finishes could be secured by condition, along with a further condition to ensure the retention of the windows in timber. A condition would also be needed to secure the re-use of existing stone from the site in the construction of the new walls on the road frontage.

It is considered that the scale and location of development proposed within the village boundary would result in a low impact on the wider AONB.

Heritage:

The site is located within the Buffer Zone of the Ashprington Conservation Area. The design approach has a traditional feel, and it is considered the proposal would preserve the character and appearance of the Conservation Area and would not result in harm to it.

The application has also been advertised as affecting the setting of a listed building. The nearest listed building to the site is Ashprington House (Grade II) to the east along the highway into the village, with further listed buildings located within the Conservation Area beyond. Given the distance from and presence of other buildings between the application site and Ashprington House (and other listed properties beyond) and the scale of development proposed, it is considered that no harm to the setting of the listed buildings would occur.

Neighbour Amenity:

Particular concern has been raised with regards to the impact of the proposal on the neighbouring dwelling to the south, Smallwell Bungalow. The proposed dwelling would clearly have an impact on this property, most noticeably from the rear elevation and garden area. The proposed dwelling would run parallel with the shared site boundary, with a new 1.8m high boundary fence providing some screening. The new dwelling would clearly be visible above the fence line when viewed from within Smallwell Bungalow, but on balance it is not considered it would result in such substantial overbearing to warrant refusal on this basis. Two upper level windows are shown in the south elevation of the new dwelling which faces towards Smallwell Bungalow, one serving the kitchen and the second in the roofspace serving the bathroom. These windows would face towards the side elevation of the neighbouring property rather than directly into the garden or towards the windows on the rear elevation. On balance it is considered that the proposal would not result in a significant overlooking issue.

It is considered that the proposed new dwelling would have an acceptable relationship with the existing dwelling at 2 Dunstone Cottage, as well as Four Gables and Higher Dustone which are at a greater distance away from the proposed dwelling.

Concern has also been raised regarding the additional noise that would be generated by the occupants of the new dwelling. The construction of the dwelling would need to comply with current Building Regulations standards in respect of noise insulation, and any particular issues could be investigated as a noise complaint under separate legislation. The general noise associated with a new dwelling in this village location does not substantiate grounds for refusal.

Highways/Access:

Concerns have been raised regarding the existing parking situation at 2 Dunstone Cottage (with reference made to vehicles parking too close to the road junction and congestion problems). This application needs to be considered on the basis of the impact of the proposed development only.

Devon County Highways have recommended refusal of the application, noting that there is a complete lack of visibility onto the C Road to the west (one of the main roads into and out of Ashprington) as there is a building abutting the carriageway. This matter is not something that could be easily resolved as it relates to third party land/buildings, and weighs significantly against the application. Reference has been made in the Design and Access Statement to the small numbers of vehicles using the lane which runs directly past the site, but the highways issue relates to the junction where this lane joins main highway.

Notwithstanding the above, Devon County have advised if the application were to be approved at least one parking space would need to be retained for the existing dwelling 2 Dunstone Cottage. This is indicated on the submitted plans, and if the application were to be approved it is recommended that a condition be imposed to ensure this parking space remains available for the use of the occupants of 2 Dunstone Cottage.

Drainage:

Calculations for a proposed new soakaway have been included with the application. The Council's Drainage Engineer has been consulted and has not offered any specific comments.

Trees:

The application is accompanied by an Arboricultural Appraisal and Tree Constraints Plan. One Category B tree has been identified for retention. Were the application to be approved a tree protection condition could be imposed.

Other Matters:

Ashprington Parish Council raised concern about access during construction works. Were the application to be approved it is recommended a Construction Management Plan be conditioned given the constrained nature of the site and the additional vehicle movements that the build phase would generate.

Each application for planning permission is judged on its own merits and the approval of this application would not set a precedent for future applications for garden developments.

Damage to third party property due to earth works and potential resulting subsidence is not a material planning consideration. Impact on third party pipes/infrastructure would be a civil matter between the Applicant and the relevant landowner.

The Planning Balance:

The proposed development is considered acceptable in design and neighbour impact terms and in relation to impacts on the historic environment. However the safety objection from the Highways Authority weighs heavily against the application and it is for this reason only that it is recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

National Planning Policy Framework

In particular:

Section 4. Promoting sustainable transport

Section 6. Delivering a wide choice of high quality homes

Section 7. Requiring good design

Section 12. Conserving and enhancing the historic environment

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

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

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.