

**ITEM NO.**

6

**COMMITTEE DATE:**

25/06/2012

**APPLICATION NO:**

11/2006/03

**FULL PLANNING PERMISSION****APPLICANT:**

Mr J &amp; Mrs C Harrison

**PROPOSAL:**

Demolish existing and rebuild summer house and garage in estuary garden.

**LOCATION:**

19 The Strand, Topsham, Exeter, EX3 0AS

**REGISTRATION DATE:**

23/12/2011

**EXPIRY DATE:**

17/02/2012



Scale 1:1250

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**HISTORY OF SITE**

90/0364/03 -	Erection of summerhouse	PER	22/06/1990
93/00722/03 -	Erection of summer house and boundary fence and formation of pedestrian access to highway		09/12/1993
97/0739/06 -	Crown thin and remove dead wood on four trees	PER	01/01/1998
00/1258/06 -	Works to trees	PER	12/12/2000
01/0879/03 -	Ground floor rear extension	PER	18/07/2001
01/00880/07 -	Single-storey rear extension	PER	18/07/2001
06/1931/06 -	Tree No. Species Works	PER	27/10/2006
	T1 Holm Oak Crown lift to 3.5m.		
	T2 Holm Oak Remove first 3 small branches on lawn side.		
	T3 Holm Oak Remove first 3 small branches on lawn side		
09/3028/06 -	T1 Holm Oak Crown lift over lawn to 4m and slipway to 6m	PER	19/08/2009
	T2 Holm Oak Crown lift over lawn to 4m		
	T3 Holm Oak Crown lift over lawn to 4m		
	T4 Yew Deadwood		

## **DESCRIPTION OF SITE/PROPOSAL**

The proposal relates to the curtilage of a Grade II Listed Building within the Topsham Conservation Area. This residential property was built in the early 18th century and is characterised by its red brick walls, timber sash windows, hipped slate roof and doorcase with fluted pilasters and pediment. The property has an enclosed front garden with cobbled footpath. On the opposite side of The Strand, there is also an estuary garden. This has a gated vehicular access onto The Strand and contains a timber garage/store and a summerhouse. The rest of the garden is largely given over to grass and a number of mature trees, particularly on the north boundary. This application seeks planning permission for a replacement summerhouse and garage structures.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

A Design and Access Statement is enclosed with the application. The main points raised are:-

- The existing garage and summerhouse are proposed to be replaced as they are structurally and visually in poor condition. The aim is to improve the quality of the buildings and provide additional space in the garage for a workshop.
- There will be two parking spaces, a workshop and space for bicycles and logs within the garage. The proposal involves relocating the vehicular entrance to the estuary garden in order to improve and ease the access for vehicles.
- The new summer house will be approximately 50% larger than the existing. The main glazed facade will face across the river.
- The new vehicle area will be soft and permeable in the front of the garage with a plastic infill grid.

## **REPRESENTATIONS**

12 letters of objection received. Two of these are from The Devon Gardens Trust and The Topsham Society. The main points raised are:-

- The contemporary appearance of the proposed buildings, including the zinc roof, takes no account of the significance of the historic environment and fails to respect the character of the local area.
- By virtue of their size and height, the two buildings will dominate the immediate area and have a harmful impact on the street scene and views of the Exe and the Haldon Hills from The Strand.
- The estuary gardens have a positive impact on the character and appearance of the area and they should be protected not dominated by unnecessarily large and intrusive outbuildings or motor vehicles.
- Any outbuildings should be similar in size to the existing modest outbuildings on the garden.
- The riverside gardens along The Strand are included on the Devon Local Register of Historic Parks and Gardens as they illustrate a particular aspect of the history of gardens. The perspectives on Page 12 of the Design and Access Statement clearly illustrate the intrusive nature of the proposed development by reason of height, scale and mass.
- The applicant has not satisfied the requirements of PPS5. The applicant should demonstrate a clear understanding of the significance of the affected heritage asset and any development should not adversely affect its historic significance.
- Garages and workshops normally play a subsidiary role in the provision of modern living accommodation. The size and design of the proposed building calls attention to itself in a manner out of keeping with a subsidiary building.
- The depth of the building is considerably greater than a car's length.
- The estuary gardens should not be converted into spaces for parked cars. A significant part of the garden will also be given over to an access to the garage. The ungated entrance would exacerbate the sense of the garden becoming a car park rather than an enclosed private garden.
- The altered access will pose more difficulties at the junction for Higher Shapter Street.

1 letter of comment expressing concerns about the upturned boat features on the roof.  
1 letter of support.

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A second consultation was carried out when the scheme was amended following concerns being raised by Officers about the initial scheme. Two letters of objection were received from previous writers. One was from The Topsham Society. The main points raised were:-

- The proposed garage, together with the inevitable occasional parked car standing outside it, would create the impression of a front garden overwhelmingly dominated by vehicles and car parking. The impact would be reduced if the alignment of the garage was to be swung through 90 degrees to match the alignment of the existing wooden garage.
- Problems still remain including the re-orientation of the garage across the garden, the poor revised road access and the adverse visible impact so caused. The strategic planting would block views of the river from The Strand.
- The area should be maintained as a garden and not an enlarged car park on very public display.
- The rooflight on the summer house seems an intrusive and very visible element.

### **CONSULTATIONS**

The Council's Projects and Business Officer supports the inclusion of bicycle storage in the garage.

The Council's Assistant Director of Environment recommends a condition is added to any approval relating to hours of construction.

### **PLANNING POLICY / GUIDANCE**

National Planning Policy Framework

Exeter Core Strategy  
CP17 - Design and Local Distinctiveness

Devon Structure Plan 2001 to 2016  
CO6 - Quality of New Development  
CO7 - Historic Settlements and Buildings  
TR10 - Strategic Road Network and Roadside Service Areas

Exeter Local Plan First Review 1995-2011  
DG1 - Objectives of Urban Design  
DG4 - Residential Layout and Amenity  
C1 - Conservation Areas  
C2 - Listed Buildings

Topsham Conservation Area Appraisal and Management Plan (June 2009)

### **OBSERVATIONS**

The Topsham Conservation Area Appraisal and Management Plan describes the private gardens on the estuary side of The Strand as "pleasant green spaces with a few important trees making an attractive foreground to The Strand when viewed from the riverside as well as from the road." For many years, the Council has sought to protect the historic character of these gardens. One of the main development pressures on the gardens has arisen as a result of the problems of parking vehicles in this narrow road. Paragraph 9.18 of the Council's Appraisal specifically identifies the "loss of riverside gardens to parking" as a significant issue in this area. Nonetheless, the majority of estuary gardens remain as landscaped spaces relatively free of vehicular accesses, hard surfaces and significant outbuildings.

The garden at No. 19 The Strand is one of the exceptions. It has a vehicular access, a paved driveway and a timber garage. It is also evident from the compacted ground to the side of the garage that the grass has also been used for parking vehicles. Consequently, given the existing situation, it is concluded that it would be difficult for the Council to resist any parking related development on this estuary garden in principle.

That said, the initial plans that were submitted with the application did give rise to significant concerns. It was proposed that the existing single garage would be replaced by a much larger structure capable of storing three parked cars - two in a double garage and one in a car port. The garage would have had a depth of 6.2 metres, a width of 10.8 metres and a height of 4.2 metres. The existing garage has a depth of 5.3 metres, a width of 8.2 metres and a height of just 3 metres. Officers concluded that, in this location, a garage of this size would have an overly dominating and visually intrusive impact on the street scene and harm both the character and appearance of the conservation area and the setting of a pair of Listed Buildings to the south (Nos. 49 and 49a The Strand). It was considered that the design of the roof, which included three arched windows intended to resemble the shape of upturned boats, would have exacerbated the overall effect. In comparison, the existing garage has a fairly discreet and unobtrusive presence within the street.

There were two other significant elements to the proposal. Firstly, it was proposed that the position of the access be altered in order to enable easier vehicular access into the estuary garden. The existing gated access is at right angles to the road; the proposed ungated access, in the north-eastern corner of the garden, would have run more parallel to the highway. Secondly, the garage entrance would have faced into the garden rather than towards The Strand. These changes would have resulted in the new access and drive being close to a mature tree within the conservation area. The Council's Tree Officer assessed the scheme and concluded that the proposed drive would have a harmful impact on this tree. He therefore recommended that the access be located further south and away from the tree. Officers also considered the effect of the garage facing towards the trees on the north boundary rather than towards The Strand. It was considered that there would be a slight increase in the area of the garden affected by vehicular activity but that it would not be significantly greater than the existing area. Therefore, no objections were raised.

In response to the objections raised by Officers, and indeed by objectors, as summarised above, the applicant has revised the plans and submitted this amended scheme. The proposal now consists of a double garage with a smaller attached car port/store and open parking space between it and the road. The proposed structure would have a depth of 6 metres, a width of 9.2 metres and a maximum height of 4 metres. The roof on the car port would have a much lower height at just 2.8 metres. The design would also be much simpler. In addition, the position of the garage would be around 3.5 metres further from the road than was the case in the initial scheme. Overall, it is considered that this represents an improved scheme that would not have as harmful an impact on the local townscape as the originally submitted scheme. Nonetheless further negotiations are taking place to secure replacement of the open parking space between the garage and The Strand with additional landscaping. Whilst the garage structure would be larger than the existing, it is concluded that the increase in size is not so significant as to alter radically the character and appearance of the area. The Council's Conservation Officer has not objected to the revised scheme. It is also noted that the consultation on this second scheme has elicited fewer objections than the first.

The proposed new access, which would now be gated, has also been re-located so that it would be further away from the tree. The Council's Tree Officer is satisfied with this arrangement. It would also have the beneficial effect of slightly reducing the area of the garden affected by vehicular activity. The existing access would be reduced to a pedestrian access and additional planting added to the boundary. This would help to soften and mitigate the overall impact of the garage on the local townscape.

The use of estuary gardens in The Strand for vehicular parking is not something that the Council would wish to support in principle. However, given the history of vehicular parking on

this particular garden, the Council concludes that, on balance, this proposal is on the margins of acceptability in this location.

In respect of the summerhouse, the replacement structure would be on the site of the existing structure and would be tucked away behind trees at the back of the estuary garden. The initial proposal was for a larger outbuilding with a roof design that would resemble an upturned boat. However, the proposals were revised following an objection to the dominant roof feature from the Council's Conservation Officer. The amended scheme seeks permission for a much simpler form that would not have an adverse impact on the character and appearance of the conservation area or any neighbouring residential amenities. Clarification of the proposed construction details for the summerhouse have been requested to ensure that there is no adverse impact on upon the roots of the nearby tree.

In summary, for the reasons give above, it is recommended that planning permission is granted for this scheme.

### **SOUTHERN AREA WORKING PARTY - 02/05/2012**

Members were updated on the present situation in respect of this application. They were advised that the application would be added to the agenda of the Planning Committee.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4 May 2012 (dwg. no. 100) and 6 March 2012 (SK27(A) and SK28), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the proposed entrance gates and planting scheme have been submitted to, and approved in writing by, the Local Planning Authority. The entrance gates and planting shall thereafter be provided in accordance with these approved details.  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 5) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no additional hard surfacing shall be created on the estuary garden unless an application for planning permission is first submitted to and approved by the Local Planning Authority.  
**Reason:** In the interests of visual amenity within the Topsham Conservation Area.

Local Government (Access to Information) 1985 (as amended).  
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre,  
Civic Centre, Paris Street, Exeter: Telephone 01392 265223