

ITEM NO. 6

COMMITTEE DATE: 29 JUNE 2015

APPLICATION NO: 15/0247/03 FULL PLANNING PERMISSION
APPLICANT: Mr J Thompson
PROPOSAL: Demolition of existing double garage and shed for the erection of new two storey dwelling
LOCATION: Site at rear of 16 West Avenue, Hoopern Lane, Exeter, EX4 4SD
REGISTRATION DATE: 03/03/2015
EXPIRY DATE: 08/06/2015

HISTORY OF SITE

15/0247/03 - Demolition of existing double garage and shed for the erection of new two storey dwelling.



Scale 1:1000

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DESCRIPTION OF SITE/PROPOSAL

The site comprises of part of the garden and garaging for a semi-detached house on West Avenue.

The main property is not listed but located within Longbrook Conservation Area. The proposal seeks the demolition of the existing double garage (29.15sqm internal floor area) (and shed) identified as making neutral contribution to the conservation area. The construction of a two storey dwelling (122.75 sqm) with associated parking is proposed.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

D&A Statement.

REPRESENTATIONS

9 objections have been received. The main points including:

- The property incorporates 3 separate freehold 2 bed flats on each of its three storeys. Construction of a dwelling is over development and over intensification of the site.
- West Avenue is a Conservation Area. The proposal violates its status. It is insensitive and inharmonious.
- It would set a precedent for “Mews style” house building.
- The applicant wants to “connect with the garden” but the proposal alienates all other neighbours from theirs and the privacy that is currently enjoyed.
- The proposed development destroys visual, aural and odour amenity for neighbours.
- The materials are inharmonious and will dominate views.
- The proposal will result in over looking. If a mezzanine were to be built the impact will be exacerbated.
- The proposal will result in escalated and targeted anti-social behaviour and together with the intensive student foot traffic (day and night) will make this dwelling unsuitable for habitation.
- A lack of amenity space is provided for the remaining flat (No.16A).
- The development has insufficient space.
- The mature hedge and trees opposite the site will be overbearing and will be threatened.
- The planned car parking space is also totally unsuitable.
- There is no space or room to put out the wheelie bins on refuse / re-cycling days.
- The roof is un-necessarily prominent and will cause shading.
- Should planning consent be forthcoming ensure pd rights are removed.
- Ensure the shed will be removed as part of the planning consent.
- Insufficient space for construction vehicles / skips.
- Hoopern lane is a bridle path not a highway.
- Student occupation of the remaining flat and proposed dwelling that may result is strongly resisted.

3 comments received. The main points relating to:

- precedent for further development
- roof pitch is unnecessarily steep, prominent and will result in shading.
- The application does not meet the requirements of Policy SD3 of the Exeter St James, Neighbourhood Plan.
- Hoopern lane is narrow and predominantly pedestrian.

CONSULTATIONS

St James Forum: this application does not meet all requirements for infill sites in policy SD3 of the Neighbourhood Plan for St James. The Forum is particularly concerned about parking and access provision (SD3c) and that the proposal will set a precedent for infill for the semi-detached properties on the east side of West Avenue. Hoopern Lane is narrow at the point of access from the property and is predominantly a pedestrian path, used at all times of the day by university students and other residents.

DCC Highway Authority - no specific comments provided. Standing advice applicable.

Environmental Health: approve subject to conditions relating to hours of construction/demolition.

OBSERVATIONS

- Detailed pre-application discussions were undertaken prior to the submission of the application.
- The proposed dwelling meets the requirements of the Residential Design SPD both in respect of internal space standards and outdoor amenity space. Following the submission of additional information (11 May 2015) the outdoor amenity space of the remaining flat (No.16a) will meet the requirements of the Residential Design SPD.
- Intervisibility is acceptable between the proposed dwelling and those of 16 West Avenue.
- Overlooking of neighbouring gardens will be minimal. The roof terrace (in existing use) with privacy screens are already in place. Neighbouring amenity will not worsen.
- The proposal will undoubtedly create a change to the urban grain / character of the Conservation Area. However, the existing garage does not make a positive contribution to the character of it. Not all neighbouring properties are capable of a similar scheme. This proposal sets a very high standard should others be forthcoming. The proposal creates frontage on to the public realm (Hoopern Lane) to the benefit of all users / property owners along it.
- Should planning consent be forthcoming a condition will be attached to remove Permitted Development Rights to ensure the amenity of neighbouring properties is retained and a condition relating to the storage of construction materials and parking of construction vehicles.
- Following further discussions and amendments to the drawings the Highway Authority are satisfied that the proposal meets Highway Authority requirements.

Objections / comments relating to:

- Precedent - Each site is considered on its own merits. This proposal sets a high standard to which any future development should attain.
- Occupation by students - The proposal does not change the ability (or otherwise) of No.16A or the proposed dwelling from being occupied by students. Policy constraints (Article 4 Direction) remain in place.
- Materials - Should planning consent be forthcoming a condition will be attached regarding materials.
- Anti social behaviour and littering - Frontage on to the public realm / informal surveillance should act as a deterrent to further anti-social behaviour.
- Mature hedge / trees - Sufficient distance is provided between the proposal and existing trees. The upper floor is to bathroom and bedroom accommodation. Pressure for crown reduction is not considered significant.
- Parking provision - The proposal meets the requirements of the Highway Authority.
- Bin storage is provided.
- Orientation and the asymmetrical roof form minimises overshadowing.
- reference to Hoopern Lane as being a bridle path is not significant to this application.

For the reasons outlined above, the proposal complies with Paragraphs 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.10 and 17.11, Sections 7 and 12 of the National Planning Policy Framework, Policy CP16 of the Exeter Local Development Framework Core Strategy and Policies C1, DG1(a, b, d, e, f, g & h) and DG4 (a & b) of the Exeter Local Plan First Review 1995-2011 because:

- i) the proposed dwelling would not be harmful to the character or appearance of the Conservation Area or those properties neighbouring; and
- ii) the development would not be harmful to the amenity of neighbouring residential properties.

It is for these reasons that the proposal is recommended for approval.

Delegation Briefing 24 March 2015

The owner of the proposed development lived in the middle floor flat of the three storey house and owned the bottom half of the garden fronting onto Hoopern Lane. A neighbour who had objected was concerned that the house would be built immediately butting up to Hoopern Lane in the residents small bit of garden with only a few feet for a very small car parked parallel to the road and between the house itself and the road. Although the property was in an Article 4 Direction area, the objector was concerned that not only the new dwelling but all of the existing house would be occupied by students. Anti social behaviour, graffiti etc was already being experienced and there was a fear that this would increase in spite of the possibility that this dwelling would provide additional surveillance.

Objections also included loss of privacy, loss of light, impact on Conservation Area and change in the urban grain. It was also suggested that it could lead to a precedent for similar use of gardens in the area. The roof height could be considered to be over bearing although the dwelling itself would be 23 metres from the rear extension of the existing house and therefore acceptable. Both internal and external measurements were acceptable in terms of SPD residential design guidance. The Highways Officer had not objected. Concern had also been expressed in terms of impact on the area.

Members supported a site inspection.

Member Site Visit 14 April 2015

Members who visited the site were concerned about the loss of outdoor amenity space for the existing 16A flat. The remaining area would not comply with the City Council's adopted Residential Design Supplementary Planning Document (SPD). They were also concerned about the precedent that the proposal would set, proximity to the trees on the opposite side of Hoopern Lane, noise and nuisance (from pedestrians along Hoopern Lane) for the future occupiers of the new dwelling and impact on the character of the conservation area (particularly the urban grain).

Delegation Briefing 12 May 2015

Additional information (received 11 May 2015) was presented to Members. Although concerns had been expressed that a bedroom would be close to Hoopern Lane and therefore the occupant would experience noise from passing students it was noted that any such noise would be experienced by other properties in the area.

Members supported approval of the application under delegated powers.

Delegation Briefing 9 June 2015

The additional information received 11 May 2015 had been presented to Members at the Delegation Briefing the following day. As such it was added as an additional item on the day and was not included on the Delegation Briefing agenda. Whilst those Members present supported approval under delegated powers, those Members who were not present were concerned that the application had not been fully and transparently discussed. As a result, it was brought back to Delegation Briefing on the 9 June having been included on the agenda.

Members again discussed the application at length and noting the objections received its referral to Delegation Briefing on a number of occasions, Members requested the application be brought to Planning Committee.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) UN7 - Unique Condition 7.
- 2) C05 - Time Limit – Commencement.
- 3) 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 3 March 2015 (*dwg. no(s). 14.02.10B, 14.02.11C, 14.02.13 & 14.02.14*) and on 11 May 2015 (*dwg.no. 14.02.15*) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 4) C17 - Submission of Materials.
- 5) C35 - Landscape Scheme.
- 6) In the event of failure of any trees or shrubs, planted as a privacy screen to the rear of No16, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) C23 - Permitted Development Restriction.
- 8) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 9) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 (including a 44% CO² emissions rate reduction from Part L 2006) as a minimum, and CSH Level 5 (Zero Carbon) if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 10) Prior to the commencement of the development full details (including sections) of the garage fold back doors shall have been submitted to and approved in writing by the Local Planning Authority. The development/works shall be implemented in accordance with the approved details.
Reason: To ensure the proposal conforms with the visual amenity requirements of the area.
- 11) Details of the parking and turning of construction vehicles and the loading and unloading of construction materials / waste shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and shall be adhered to during the construction of the development.
Reason: To ensure the safety and well-being of neighbouring residents.
- 12) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no

change of use from C3 (Dwelling House) to C4 (House in Multiple Occupation) shall be carried out within the curtilage of the dwelling without the formal consent of the Local Planning Authority.

Reason: In order to protect the residential amenity of the surrounding area and to prevent overdevelopment.

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