

ITEM NO. 8**COMMITTEE DATE:** 09/01/2017

APPLICATION NO: 16/1379/03 FULL PLANNING PERMISSION
APPLICANT: Mr & Mrs Porter
PROPOSAL: Construction of a detached residential dwelling with associated access, landscaping and amenity space.
LOCATION: 35 Sylvan Road, Exeter, EX4 6EU
REGISTRATION DATE: 04/11/2016
EXPIRY DATE: 30/12/2016

HISTORY OF SITE

86/00228/03 -	Single-storey extension	PER	24/03/1986
89/00341/03 -	Ground floor extension	PER	26/04/1989
03/1125/01 -	Detached bungalow, parking and access to highway in rear garden (siting, design, landscaping and external appearance reserved for future consideration)	REF	18/08/2003

DESCRIPTION OF SITE/PROPOSAL**Site**

- 35 Sylvan Road is a detached dwelling house located in a low-medium density residential suburb of Exeter.
- The existing house is accompanied by a relatively large and elongated rear garden - the proposed development is based on the sub-division of this rear garden.
- The topography of the application site is uneven with the gradient broadly descending from north to south.
- 35 Sylvan Road is not listed and is not located in a conservation area.
- The built environment context around the application site consists of detached dwellings on substantial land plots immediately east (33 Sylvan Road), west (35a and 37a Sylvan Road, 44 - 56 Lower Kings Avenue) and south (92 Union Road); a row of 3 storey Victorian terraced properties exist to the east and south east comprising of Nos. 3 - 31a Sylvan Road.
- The boundary of the application site abuts several residential properties to the west and south and a publicly owned rear access lane along the eastern edge of the site.
- The application site is therefore largely concealed from view in the vast majority of the surrounding street network/public realm.
- The application site is bounded by established hedgerows to the east and west and is currently host to a number of trees and hedges within its interior.
- Other existing site features include a tree house, shed, greenhouse and log shed, which would all be removed as part of the proposed scheme.

Proposal

- The proposed scheme seeks planning permission for the construction a detached dwelling with associated access, landscaping and amenity space to be located within the rear garden of 35 Sylvan Road.
- The area of the application site is 718 sqm. and the footprint of the proposed dwelling is approximately 150 sqm.
- The proposed dwelling house would be primarily laid out at ground floor level but does feature 2 storeys in the southern section of the building.
- The southern elevation of the building features glazed elements including a bedroom and a balcony at first floor level and large living room at ground floor level with patio doors opening out onto the rear garden.

- The dwelling would comprise 3 bedrooms, a kitchen diner, a large living room, a utility room and 2 bathrooms/shower rooms.
- Access to the site would be made via a narrow lane off Sylvan Road - the proposal seeks to enhance existing access arrangements (to garages, outbuildings and rear gardens for a series of existing terraced properties in Sylvan Road) by slightly enlarging the turning area and improving visibility at the conflict point between the existing lane and the proposed driveway.
- The driveway would include sufficient on-site turning space to allow vehicles to enter and exit the site in a forward gear.
- The proposed driveway would be constructed in a permeable paving material to allow rainwater to infiltrate the ground naturally and reduce surface run-off.
- The proposed dwelling house features an integrated garage providing enough space for cycle parking, vehicle parking and storage.
- Bin storage is proposed to be positioned immediately adjacent to the site entrance with sufficient space for 3 wheelie bins (1 general waste, 1 recycled waste and 1 garden waste) and would be well concealed by fenced housing and site boundary features.
- 3 trees and 4 hedges would be removed in order for the construction to take place.
- The external appearance of the dwelling would comprise vertical weather board cladding and white/cream render walls, dark grey powder-coated aluminium-framed doors and windows, powder-coated aluminium down pipes (gutters to be concealed within roof edges) and a staggered mono-pitched roof with substantial sedum green roof elements.
- The dwelling design also incorporates high level south-facing windows, 3 roof lights and a solar powered hot water panel mounted onto the roof.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design and Access Statement
 Topographical Survey
 CIL Additional Information Form
 CIL Assumption of Liability Form

REPRESENTATIONS

16 representations were received during the public consultation period consisting of 1 comment and 15 objections.

The **material planning considerations** raised comprise:-

- Vehicular access, traffic generation and highway safety;
- Capacity of physical infrastructure (access lane and Sylvan Road);
- Layout and density of building design, visual appearance and finishing materials;
- Design/effect on appearance of the area;
- Loss of trees and green space;
- Adverse impact on nature conservation and biodiversity interests;
- Flooding;
- Overlooking/loss of privacy;
- Overshadowing/loss of outlook;
- Noise and disturbance resulting from use;
- National planning policy and legislation.

CONSULTATIONS

The Environmental Technical Officer, Environmental Health, ECC advises that he has no objections subject to a condition restricting demolition/construction working hours.

The County Head of Planning, Transportation and Environment advises that from a highways perspective, the key aspect to consider is the suitability of the access. The proposed vehicular and pedestrian access is proposed from an existing access service road that joins Sylvan Road between Number 31 and 33. This existing access road already provides vehicular access for a number of garages belonging to properties on Sylvan Road. There are no recorded accidents attributed to vehicles coming in and out of this access in the past five years.

Sylvan Road is subject to a 30mph speed limit. On site observations, considering the uphill gradient and constraints created by on-street parking, suggest this is adhered to.

At the junction of the access road with Sylvan Road, visibility to the left meets the required standard of a 30mph road. However, the visibility to the right taken from a point 2.0 metres back from the effective carriageway edge only meets the relevant standard for a 25mph speed limit (31m).

Whilst the visibility to the right is below standard, this is a low speed residential environment and it is worth weighing up the likely risks. Firstly the standard of the visibility splay is consistent with the speed of vehicles on the road. Secondly when exiting the access, a vehicle is likely to stop to ensure that adequate visibility is achieved. If the left is clear, an emerging vehicle is likely to nose out slightly into Sylvan Road until they can see to the right. The nose of the vehicle would be visible to any vehicle approaching and they would be expected to adjust their speed accordingly so that an emerging vehicle can exit safely. The access is already in use and although such an arrangement is not perfect, it operates in a safe and suitable manner. In addition, pre-application advice was sought by the applicant and he was advised that space was needed to turn on site so that vehicles can enter and exit the highway in forward gear. This has been adhered to and should be provided from commencement of construction and secured by condition.

It is not expected that the traffic from this additional dwelling will change the existing situation and therefore it is believed that the proposed arrangements are acceptable from a highways perspective.

No objection is raised subject to a condition requiring provision of access, parking and turning in accordance with the submitted drawings.

RSPB have advised that the proposed scheme should incorporate 2-3 bird boxes into the dwelling house by way of adding a planning condition. It also advised that the east and west elevations of the proposed dwelling house would be particularly suitable for such installations.

PLANNING POLICIES/POLICY GUIDANCE

National Planning Policy Framework (2012)

Core planning policies 4, 6, 8 and 11

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Exeter Local Development Framework Core Strategy (2012)

CP4 - Housing density

CP12 - Flood risk

CP15 - Sustainable design and construction

CP17 - Design and local distinctiveness

Exeter Local Plan First Review 1995-2011 (2005)

T10 - Car parking standards

EN4 - Flood risk

EN6 - Renewable energy

DG1 - Objectives of urban design

DG4 - Residential layout and amenity

DG7 - Crime prevention and safety

Trees and Development SPD (2009)

OBSERVATIONS

Vehicular access, traffic generation and highway safety/ Capacity of physical infrastructure

The main issue associated with the proposal is the safety and suitability of the existing access lane including the conflict points between Sylvan Road and the access lane, and between the access lane and the proposed private driveway. It is acknowledged that this lane is publicly owned and forms part of Devon County Council's highway network. It is therefore not a private road with limited access afforded only to existing residents; in fact the use of the access lane is not restricted and it can lawfully be used by any member of the public. It is recognised that its established use is for access to the rear gardens of properties in Sylvan Road and that occasionally it is used by vehicles. The proposed additional dwelling house would almost certainly increase the intensity of use of the access lane by vehicular traffic but given that 1 residential unit (3 bedroom dwelling house) is proposed the degree of this intensification is likely to be low and limited. It is agreed that the width of the access lane is very narrow indeed and there is no scope for widening it along its entire length. Whilst its width does render access unsuitable for larger vehicles, such as large delivery vans and ambulances, most cars would be able to use the lane, albeit at a modest pace. This would mean that these larger types of vehicles would park on Sylvan Road in order to make access to the site - although this would not be an ideal arrangement in terms of highway safety most properties in Sylvan Road do not entail off-road parking facilities for such vehicles so they would usually need to use Sylvan Road for very short-term parking. The issue raised regarding emergency access for fire services is a Building Regulations matter and one that could be addressed by the installation of a sprinkler system inside the proposed dwelling house. The fact that the access lane is very narrow suggests that vehicle users would drive particularly carefully upon entry and exit to avoid damaging the walls and their own vehicle. Similarly, the restrictive width of the access lane would act to reduce the speed of vehicles traversing its entire length. Partial removal of the hedgerow, a relatively low level fence and the provision of a slightly enlarged hard surface area at the conflict between the access lane and the proposed driveway would enable existing residents to turn the corner in the lane with greater ease. It is intended to attach a condition that would restrict future residents of the proposed dwelling from permitted development rights so that a boundary gate could not be erected without planning permission. Double yellow lines exist either side of the access point onto Sylvan Road so this should allow for clearer visibility for all road users and pedestrians upon entry to and exit of the proposed application site. Furthermore, the very narrow profile of the access lane and limited visibility it offers at the conflict point with Sylvan Road should ensure that vehicle users edge out slowly into the main highway - this is commonplace for parking/highway access arrangements in and around the city of Exeter. The proposed scheme includes sufficient space on site for multiple vehicles to enter and exit in a forward gear. This should help to minimise the amount of vehicle traffic that would need to reverse in and out of the access lane. In reference to the observations made by DCC Highways, the safety and suitability of the existing lane to provide the main access to 1 No. dwelling house is considered to be acceptable based upon the characteristics of the transport infrastructure in the immediate area and in relation to adopted practice guidance and standards. DCC Highways have inspected the site and are fully aware of the width of the lane.

Layout and density of building design, visual appearance and finishing materials/ Design/ effect on appearance of the area

Numerous objections refer to the incongruity or lack of harmony between the proposed dwelling house and the character and appearance of the surrounding area. Firstly, it is important to recognise that there is considerable diversity in building form, height, age, massing and materials within a 100m radius of the application site. Although most of the properties immediately west of the site in Lower Kings Avenue and Higher Kings Avenue

share aesthetic features, such as red brick external walls and white PVC windows, each dwelling house is individual in its volume/shape and some include differences in external materials - for example, 54 Higher Kings Avenue features horizontal timber cladding to its main facade (facing the main highway/public realm). Second, it must be noted that the application site has no heritage value, it is not located in a conservation area and it is barely visible from the public realm. These site-specific factors allow for greater flexibility in the use of external surface materials and in the overall design and appearance of the proposed dwelling. Given the nature of the surrounding built environment the height, layout, orientation and massing of the proposed dwelling house are considered to be of particular sensitivity. Having measured the relative heights of surrounding properties and the distance between these properties and the proposed dwelling (more than 25m in all cases) the height of the proposed dwelling is considered to be sensitive and appropriate to context. Apart from 92 Union Road, the proposed dwelling is lower in height than all other surrounding properties and in some instances significantly so. The proposed dwelling house does not exceed 6.3m in height at any point (including the mono-pitch roofscape and chimney) and it is mainly laid out at ground floor level. Although its footprint is fairly large there is substantial outdoor amenity space apportioned to each property, both 35 Sylvan Road and the proposed dwelling. The size of each garden would far exceed the 55sqm minimum threshold set out in the Residential Design Guide SPD (2010).

Loss of trees and green space/Adverse impact on nature conservation and biodiversity interests

Carrying out the construction and implementation of the proposed use would inevitably cause a loss of green space and green infrastructure assets including 4 trees, 3 interior hedgerows and the partial removal of boundary hedgerow. This may have a moderate impact on wildlife and biodiversity at the microhabitat scale but given the amount of green infrastructure assets in other domestic gardens (immediately surrounding the site), the Valley Parks and University of Exeter Streatham Campus within 1km of the application site, the adverse impact does not hold much weight. The proposal mitigates its impact in this regard with the proposed installation of a green sedum roof, a permeable paved driveway and the retention of green infrastructure features. It is also intended to attach a condition for swift boxes to be incorporated into the external cladding or rendering of the proposed dwelling house, as suggested by RSPB.

Flooding

The application site is not located in or within 500m of a designated area of flood risk. By virtue of its design and the fact that 1 residential unit is proposed it is considered that it would not contribute significantly to increasing the likelihood of flooding within the immediate locality. The proposal is therefore compliant with planning policies CP12, EN4 and DD33. The agent advises that the preference of South West Water is to provide an on-site soakaway for surface water drainage - if this proves to be inadequate then there is an option to connect to the existing surface water drain (which runs along the site boundary underneath the access lane). Accordingly, it is intended to attach a condition to ensure that the scheme provides rainwater harvesting facilities. Connecting to the mains sewers network is not possible - although this is not strictly a material planning consideration the Agent confirmed that a septic tank can be serviced by companies with suitable vehicles for access to the site.

Overlooking/loss of privacy

The orientation of the proposed dwelling in terms of the position of its main glazed sections is considered to be compatible with existing properties; the main glazed sections (the only areas that could lead to a loss of privacy) comprise the eastern aspect of the kitchen/diner and the southern aspect of the main bedroom, internal balcony and living area. There are no windows on the northern aspect of the proposed dwelling and the only glazed element facing west would be the doorway of the utility room which is positioned at ground floor level. Given the height of boundary treatments and the distance between the western aspect of the proposed dwellings and existing dwellings directly opposite the potential for overlooking from the north and directly west is negligible. The main living areas consist of the kitchen/diner

and the living room - these would be located at ground floor level. The outlook from the east of the proposed dwelling would be obscured markedly by existing boundary treatments and outbuildings and by the northern flank of the 2 storey section of the building. The most sensitive area in regards to potential overlooking/loss of privacy derives from the southern aspect of the property. It is recognised that the main glazed facade of the proposed dwelling is positioned within 20m of the rear gardens of 46 and 44 Lower Kings Avenue. The impact of this inter-visibility is considered to be low by virtue of the obtuse angles involved between the proposed dwelling's southern aspect and the rear gardens of 44 and 46 Lower Kings Avenue - it is not direct inter-visibility. There would be some direct inter-visibility between the southern aspect of the proposed dwelling and the rear elevation windows and roof light of 92 Union Road. It must be noted that the distance between these 2 sets of windows is 42m (or more when measured to the roof light). Four trees and boundary treatments would obstruct this inter-visibility, even during the Winter when deciduous trees are leafless. Accordingly, it is intended to attach planning conditions to the consent so to ensure that existing trees are protected (and replaced if they must be felled due to poor health) and that boundary features, such as hedges and fences, are maintained at or above a minimum height limit. Fundamentally, the 42m distance between the properties is far beyond the minimum limit of 22m set out in the Residential Design Guide SPD (2010). Given the difference in site levels this distance would need to be increased. The 42m distance and privacy screening measures are sufficient to address the issue of overlooking and although there would be some loss of privacy this is not severe enough to warrant refusal or a material redesign of the proposed dwelling house.

Overshadowing/loss of outlook

It is considered that the massing of the proposed dwelling house is not overbearing on existing properties and it would lead to very little overshadowing or affect upon the outlook enjoyed by existing and future residents. Although the new building structure would affect views from surrounding properties this is not a material planning consideration.

Noise and disturbance resulting from use

The proposed development would not give rise to an unacceptable level of noise and disturbance to neighbouring properties. There may be disruption during the construction phase of the development and therefore in the interests of easing the deliverability of the scheme it is intended to attach a Construction and Environmental Management Plan (CEMP) condition.

National Planning Policy and Legislation

The overriding emphasis in the National Planning Policy Framework (2012) and in other relevant national legislation and government initiatives is to promote and encourage increased rates of housing delivery within the UK, particularly within sustainable urban locations.

Summary

The design of the proposed dwelling differs dramatically from the previously refused scheme on the same application site in 2003 - it would deliver far better architecture and sustainability. The proposed arrangement of windows would relate well to solar radiation, the sedum roof would help to reduce overheating and surface run-off, roof-mounted solar hot water panels would allow for renewable energy generation, the installation of bird boxes and retention of many green infrastructure assets would help to protect and enhance biodiversity. In accordance with Policy CP15, the more specific elements detailed in the design and construction of the dwelling house must meet Code Level 4 in the Code for Sustainable Homes - this would be achieved through compliance with the appropriate planning condition and during the Building Regulations approval stage of delivery. The proposal is distinctive in character, its visual impact is minimised by its relatively low height and green roof, and the whole building would be barely visible from the public realm. There is considered to be limited adverse impact upon the residential amenity of existing occupiers in the surrounding area, and the use of the lane as the primary access to the dwelling is considered to be

acceptable in the view of the local highway authority. On balance then, the accumulative benefits of the proposed scheme are considered to outweigh its adverse impacts.

FINANCIAL CONSIDERATIONS

This development would potentially give rise to £19,396.16 of Community Infrastructure Levy (CIL) monies if permission was granted at 2016 rates. New Homes Bonus would provide approximately £4,000 over 4 years assuming no abatement.

SITE INSPECTION

Members viewed the application site on 20 December 2016 and expressed serious concern regarding the suitability and safety of the access lane for regular use by motorised vehicles. Although it was recognised that 1 additional residential unit would typically generate a low level of traffic the very narrow nature of the lane and inability to widen it would mean it is impractical and difficult to use. The visiting Members would prefer an alternative access lane to be provided within the existing site alongside the host dwelling house.

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 02 November 2016 (*Application Form, Site Location Plan, Design and Access Statement, and dwg. nos. 1611 L.01.10 A, 1611 L.01.11 A, 1611 L.01.12, 1611 L.02.00 A, 1611 L.02.01, 1611 L.03.00 A, 1611 L.03.01, 1611 L.03.02 and 1611 L.03.03*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved details.
- 3) **Pre-commencement Condition:** The individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, 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 for Pre-Commencement Condition: In the interests of sustainable development.
- 4) **Pre-commencement Condition:** Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 3 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.
Reason for Pre-Commencement Condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 5) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwelling hereby approved without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding

area and to prevent overdevelopment.

- 6) No windows or other openings other than those shown on the approved drawings shall be formed in any elevation of the dwelling house hereby approved without the prior written consent of the Local Planning Authority.
Reason: In the interests of visual and residential amenity.
- 7) No hedges other than those shown to be removed on the approved drawings shall be removed without the prior written consent of the Local Planning Authority.
Reason: In the interests of visual and residential amenity.
- 8) **Pre-Commencement Condition:** Prior to the occupation of the dwelling house hereby approved, a hedge of at least 2 metres in height shall be planted and maintained accordingly along the entire south boundary of the site.
Reason: In the interests of visual and residential amenity.
- 9) C36 - No Trees to be Felled.
- 10) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 11) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, 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.
- 12) **Pre-commencement condition:** No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason for pre-commencement condition: To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 13) **Pre-Commencement Condition:** A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning

Authority prior to the commencement of development, and adhered to during the construction period. This should include details of site traffic and emissions of noise and dust. This should include details of the timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking and details of how large building equipment and materials would access the site. The CEMP should contain a procedure for handling and investigating complaints.

Reason for Pre-Commencement Condition: To minimise the potential for disruption during the construction process.

- 14) UN8 - Unique Condition 8 - provision of 2-3 bird boxes.

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