

COMMITTEE DATE: 12/02/2018

APPLICATION NO: 17/1126/FUL
APPLICANT: Mr & Mrs Wiley
PROPOSAL: Ground floor rear extension and front porch
LOCATION: 16A Monmouth Street
Topsham
Exeter
Devon
EX3 0AJ

REGISTRATION DATE: 05/07/2017
EXPIRY DATE:

SITE HISTORY

Reference	Proposal	Decision	Decision Date
17/1378/CAT	T1 - Apple - Fell T2 - Laburnum - Reduce by 6ft to 12ft	PER	08.09.2017
11/1415/FUL	Replacement ground floor extensions on north east, north west and south west elevations and glazed porch on south east elevation.	PER	19.10.2011

DESCRIPTION OF SITE/PROPOSAL

The application relates to a two storey detached dwelling within the Topsham Conservation Area. The property is characterised by its rendered walls and hipped slate roof. Some of the character of the original building has been lost through the insertion of uPVC windows. The front of the property is dominated by a paved area for car parking leading to a garage with flat roof. At the rear, there is a substantial garden. The property has been extended in the past to the rear (4 metres in depth), and on the side elevation adjacent to No. 16 Monmouth Street.

This application initially sought a ground floor rear extension 10 metres in depth, in addition to other alterations. Owing to negotiation, the application under consideration now seeks planning permission for a ground floor rear extension, 3 metres in depth, with a pitched and hipped roof, 2.2 metres to eaves, 3.6 metres ridge height. Including the previous extension approved in 2011, the rear extension would total 7 metres in depth. The proposal also seeks to infill the space between the existing garage and kitchen to create further living space, replace the garage roof with a hipped lean to style roof, install a glass canopy to link the kitchen and garage doors, enlarge the porch by 1.5m in depth, install a flue at the rear of the property, and the addition of a number of rooflights.

CONSULTATIONS

Exeter City Council Environmental Health commented on the following:

1. Condition recommended to restrict construction and demolition hours.
2. Informative - The site is not within a Smoke Control Area but the applicant should be advised of potential for solid fuel fires and stoves to cause a nuisance to neighbours by means of smoke, fumes or odour.

REPRESENTATIONS

24 objections were received to the original plans and 16 objections to revised plans. The main points include:

- ☒ The development is out of scale and proportion with existing dwelling within a Conservation Area
- ☒ The existing extension exceeds the limit expressed in the Supplementary Planning Document – Householder's Guide to Extension Design
- ☒ Increased footprint of original property by 80-120% depending on whether the garage is included in the figures
- ☒ Poorly designed porch that is out of scale with original house; will cause difficulties accessing garage, and would detract from street view in conservation area
- ☒ Loss of privacy for immediate neighbouring properties
- ☒ Full length garden and porch windows will result in overlooking and a loss of privacy which will have a detrimental impact upon the enjoyment and amenity of the home and garden at 16B Monmouth Street
- ☒ The development will cause immediate neighbouring properties to experience a claustrophobic atmosphere
- ☒ Extension will reduce sunlight to 16 Monmouth Street and the ridge height will make 16 Monmouth Street feel much colder due to the increase in height of the sunline
- ☒ Devastating visual impact upon sensitive streetscene of Monmouth Street
- ☒ Such a large development would have a detrimental effect on the locality as a whole
- ☒ Negative impact on sky scape
- ☒ Visible from Monmouth Avenue
- ☒ Sets a dangerous precedent for future development/back garden development within a conservation area
- ☒ Proposal goes beyond the rear building line of neighbouring properties
- ☒ Loss of garden space in an area where back gardens are an important feature
- ☒ Loss of garden space will result in a loss of natural drainage
- ☒ Loss of trees – apple tree removed
- ☒ Removal of chimney stack without permission
- ☒ Flue is an incongruous development in a conservation area
- ☒ New flue would be detrimental to the air quality of the street
- ☒ Damage to wildlife and biodiversity
- ☒ Light pollution from rooflights
- ☒ Noise pollution from additional hard roof surface

- ☒ Lack of communication with neighbours by applicants
- ☒ Party wall matters
- ☒ The roof is contrived and will be difficult to build
- ☒ Proposal would prevent extension of neighbouring property (16 Monmouth Street)
- ☒ The current side extension cannot be maintained without trespassing and this will be exacerbated by this scheme

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance: National Planning Policy Framework

Core Planning Principles 4 and 10

Sections 7 (Requiring good design) and 12 (conserving and enhancing the historic environment)
– notably paragraphs 132-134

Exeter Local Development Framework Core Strategy
Objectives 8 and 9

Exeter Local Plan First Review 1995-2011

C1 - Conservation areas

DG1 – Objectives of urban design

DG4 – Residential Layout and amenity

Exeter City Council Supplementary Planning Documents

Householder's Guide to Extension Design (2008)

Topsham Conservation Area Appraisal and Management Plan (2009)

OBSERVATIONS

In assessing the acceptability of the proposal, the Council has taken account of the policies contained in its development plan. The relevant ones are listed above. Paragraphs 133 and 134 of the National Planning Policy Framework, outline that the Council must assess whether the proposals would result in 'substantial' or 'less than substantial harm to the significance of the designated heritage asset'.

The original scheme that was submitted with this application was for a 10 metres long rear extension. It was considered to be significantly out of proportion with the property and therefore harmful to its character and appearance, and thus lead to less than substantial harm to the conservation area heritage asset. As such, negotiation led to revised plans which propose a ground floor single storey rear extension, 3 metres in depth, totalling 7 metres when taking in the 4 metres previously extended and approved in 2011 (planning ref: 11/1415/FUL). The revised plans under review for application 17/1126/FUL are considered to be in proportion with the existing dwellinghouse and subsequently not cause any harm to the character of the conservation area.

It is acknowledged that the proposal now under consideration is a large extension, enlarging a previous extension and exceeding the maximum recommended in the SPD. However, in this instance, the Council does not consider the depth arising from the additional 3 metres proposed

to be out of proportion with the existing dwellinghouse. Furthermore, owing to the size of the rear garden at No. 16a, the proposed extension is not considered to contribute to a substantial loss of garden, noted to be a character of the area.

The extension approved in 2011 was noted to exceed the 3.5 metres maximum, as set out in the Council's household extensions SPD, but at that time the Council identified no significant adverse impact on neighbouring residential amenities. With respect to the additional 3 metres proposed in this amended scheme, the Council has also concluded that there is no significant negative impact on neighbouring amenity. The case officer and a senior colleague have visited the application site and both neighbouring properties to assess the proposals. 16A and 16B Monmouth Street are detached properties; No. 16 is part of a pair of semi-detached dwellings with No. 17. All three properties are located in large plots and there is a reasonable degree of space between them. In respect of the impact on No. 16, an existing high garden wall on the boundary means that the roof of the extension would be the main source of the additional impact on the property. This would slope away from No. 16 and be hipped at the far end. With regard to No. 16B it is the case that the extension would be visible from a section of the patio doors at the rear of the property and that it would result in some limited overshadowing of the patio in the early morning. However, in both cases, it would be hard to conclude that the impacts would be so substantial that they would result in significant adverse harm to neighbouring residential amenities, particularly in terms of loss of light and outlook, or would affect the ability of existing and future occupiers of those properties to feel at ease in their homes and gardens.

While the revised scheme will present some impact, the Council is unable to identify any significant overbearing, overshadowing, or overlooking concerns presented to either adjacent neighbour. The rooflights are too high to present a privacy issue, and the full length garden windows present no greater threat to privacy than standing in the garden of the property. The porch windows face hallways windows at the neighbouring property, and, as this is not a living space, is not viewed to present a privacy concern. Furthermore, any boundary or party wall issues presented are civil matters to be resolved between neighbours and fall outside of planning law.

The other proposals, including:

- ☐ infilling the space between the existing garage and kitchen to create further living space
- ☐ replacing the garage roof with a hipped lean to style roof
- ☐ installing a glass canopy to link the kitchen and garage doors
- ☐ enlarging the porch by 1.5m in depth
- ☐ installing a flue at the rear of the property
- ☐ addition of rooflights

represent fairly minor alterations to the building and neither give rise to any local policy conflicts or identifiable harm to visual and residential amenity. The Council agreed that the original

location of the flue had potential to cause a nuisance and negotiated relocation to the rear of the property, and owing to this, the flue falls within Permitted Development limits.

The proposed rear extension was not identified to have a significant impact on any street scene. While it will be visible from certain points, the height and style of roof are set to minimise this. The site is some 17 metres from the nearest point along Monmouth Avenue where concerns have been raised. The distance and extent of visibility is not considered to present harm to this street scene.

In respect of this extension setting a precedent or affecting other planning applications, all applications are reviewed individually and on their own merit. The outcome of this application does not serve to pre-determine the outcome of another.

The Council considers the removal of the chimney stack to fall within permitted development and thus not requiring planning permission. This was confirmed to the applicants by an officer in December 2017, prior to the chimney works beginning in early 2018.

It is also worth noting that the removal of the apple tree was permitted under application 17/1378/CAT following an assessment by the Council's Senior Arboricultural Officer.

Concerns raised regarding inaccuracies in the Design and Access Statement and the site location plan have been addressed and the documents revised.

The impact of this proposal upon neighbours and the conservation area is considered minimal following the amendments. While it is a large extension, and goes beyond the recommended maximum depth as outlined in the Householder's Guide to Extension Design SPD, it is considered acceptable owing to the large plot it is sited within, the size and design being in proportion with the dwellinghouse, and the lack of any significant harm to the amenity of adjacent neighbouring properties or the character of the conservation area. As such, the proposal is recommended for approval.

RECOMMENDATION

Approve with the following conditions:

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.

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 5 July 2017 (including revised Design and Access Statement received 5 January 2018; dwg. nos 7528-01; 7528-14 Rev C; 7528-15 Rev C) as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

3) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

INFORMATIVES

1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

2) This site is not located within a Smoke Control Area and so there is no requirement on the type of appliance that can be installed or the type of fuel that can be burnt. The applicant should be advised however of the potential for solid fuel fires and stoves to cause a nuisance to neighbours by means of smoke, fumes or odour if they do not burn cleanly or dispersion from the chimney is poor.

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