

**COMMITTEE DATE:** 11/02/2019

**APPLICATION NO:** 18/1669/FUL  
**APPLICANT:** Mr And Mrs David And Cynthia Thompson  
**PROPOSAL:** Development of a 1.5-storey, single family, 3-bedroom dwellinghouse, with associated private amenity space, off-street parking and access via St Nicholas Close.  
**LOCATION:** Land Rear Of Orchard Lea, Pinn Lane, Exeter, EX1 3RG  
**REGISTRATION DATE:** 14/11/2018

**EXPIRY DATE:**

**SITE HISTORY**

None relevant

**DESCRIPTION OF SITE/PROPOSAL**

The site is a section of existing garden area which forms part of the domestic plot for Orchard Lea, a detached dwellinghouse on Pinn Lane. The site itself will be accessed via an existing right of way via St Nicholas Close which is to the rear of Orchard Lea and forms part of the wider Tithebarn development, forming part of the Monkerton, Hill Barton Redevelopment Area. The development is for a 1.5-storey, single family, 3-bedroom dwellinghouse, with associated private amenity space, off-street parking and access via St Nicholas Close.

**REPRESENTATIONS**

Environmental Health and Licensing - Approval with conditions (construction/demolition hours) and an informative regarding considerate constructor conduct.

Devon County Council Highways – Raised no objections.

**CONSULTATIONS**

5 letters of objection were received from local residents which raised the following concerns:

**Highway issues**

- Highway access via St Nicholas Close, impact on pedestrian safety of the cul-de-sac during construction and once the dwelling is occupied
- Construction works during development creating noise, dirt and dust
- Damage and ongoing maintenance required during construction and thereafter, on the private access, St Nicholas Close

**Impact on residential amenity**

- Impact of overshadowing and outlook from rear garden
- Impact on privacy from proposed south elevation windows

- Proximity to the existing dwellings
- Impacts on health and wellbeing during construction

#### **Impact on property and values**

- The neighbouring property would not have been purchased if there was an awareness of the intended works
- Impact on the value of existing property

### **PLANNING POLICIES/POLICY GUIDANCE**

#### **Central Government Guidance**

National Planning Policy Framework (NPPF)  
 Planning Practice Guidance (PPG)

#### **Exeter Local Development Framework Core Strategy**

CP3 – Housing  
 CP4 – Density  
 CP9 – Transport  
 CP17 – Design and local distinctiveness

#### **Exeter Local Plan First Review 1995-2011**

DG1 – Objectives of Urban Design  
 DG4 – Residential Layout and Amenity  
 DG7 – Crime Prevention and Safety  
 T3 – Encouraging Use of Sustainable Modes

#### **Exeter City Council Supplementary Planning Document**

Residential Design SPD (Sept 2010)  
 Sustainable Transport SPD

#### **Exeter City Council Development Delivery DPD**

DD13 – Residential Amenity  
 DD25 – Design Principles  
 DD26 – Designing out Crime

### **OBSERVATIONS**

#### **Principle of the Development**

The site is portioned off from the existing Orchard Lea residential garden area, therefore the use remains unchanged. Furthermore, the site falls within the area identified for strategic development in the Exeter Core Strategy and the Monkerton and Hill Barton Masterplan Study. The Core Strategy states that around 2,500 houses should be built at Monkerton/Hill Barton. Outline Planning Permission was granted (ref: 12/0802/OUT) in May, 2012 for the development of up to 930 dwellings, link road, employment area (B1(a) use class), park and ride facility, local retail area and community facility, health and fitness centre, creche, public and private open space and car and cycle parking. The portion of the development (ref: 12/0802) which abuts the

application site has been substantially complete and is occupied. Thus, the principle of this development has been set.

### **Design**

The proposal is for a single dwellinghouse which will be positioned in the southern portion of the plot. The dwelling will be 'L' shaped where the longest stem is 1.5 stories high, with the floor above ground level is within the pitched roof, giving the appearance similar to a bungalow. The shorter stem of the proposed dwelling is a single storey projection towards the north of the plot. The dwellinghouse will be set in from the shared boundary by a minimum of 1.7m on all sides, and over 22m from the northern boundary. The applicant has indicated a combination of hard and soft landscaping surrounding the dwellinghouse, which includes a driveway and off street car parking provision and 265sqm private amenity space for occupiers. Due to the topography of the site, the proposed dwelling sits about half a storey below the properties on Titheburn Way.

The developer has indicated in the application form that the building will be finished with brick to match the surrounding development, with engineered dark brick base course, Marley Eternit concrete tile for the roof, aluminium grey door and window frames, with uPVC windows. The vehicular access and hard standing will be finished with compacted gravel. The proposed materials are acceptable, however a condition will be attached to any grant of planning permission requiring details of proposed materials to be submitted for approval, in order to ensure the development relates well to the existing community, in accordance with Policy CP17 of the Core Strategy (2012)

The proposed development is for a 1.5 storey dwelling with a pitched roof. It will be positioned about half a storey below and north of the properties fronting Titheburn Way. It will be set approximately 12m away from the nearest rear elevation of nos. 3 and 5 Titherbarn Way with no proposed habitable room windows in the south elevation. The property will be closest to the rear of no. 7 St Nicholas Close, which is a single aspect property with no first floor windows facing the rear. The development will be positioned away from the direct rear elevation of no. 32 St Nicholas Close and Orchard Lea, both which will experience oblique views of the proposed dwellinghouse.

### **Residential amenity**

The gross internal area of the application proposal exceeds the national space standards for the overall floor area, internal room sizes and storage space. The overall floor area for the proposed dwelling is 156sqm, which is 32sqm greater than the minimum gross internal floor area stipulated in the Technical Housing Standards – nationally described space standards (DCLG, 2015).

The proposed garden/amenity space is 265sqm, which is more than 5 times that required as a minimum in the Exeter Local Plan Policy DG4 and SPD which states that garden space requires a minimum size of 55sqm. The garden is positioned so as to allow the occupiers to 'feel at ease in their home and garden' (criterion b of Policy DG4). Views from no. 32 St Nicholas Close and Orchard Lea are towards the proposed garden area, however, the closest windows are set away about 6m and 11m respectively, from the shared boundary, and those neighbouring properties will be separated further by a 2m high timber, vertical tap fence (as existing).

The proposed dwellinghouse faces north-west, whilst the rear faces south-east and backs onto the rear gardens of nos. 1, 3 and 5 Titheburn Way. The Council received concern of overshadowing from a neighbouring occupier at Titheburn Way, however, due to the position of the proposed dwellinghouse north of those neighbouring properties, and considering the sun moves from east to west in a clockwise motion, it is considered that the existing homes will not experience any undue overshadowing as a result of the proposed development.

The properties at Tithebarn way are positioned south-east of the development and sit at a higher level due to the natural topography of the site. As such, some degree of overshadowing will be created for a significant portion of the day, until late afternoon as the sun sets in the west.

It is considered that this will not significantly affect any habitable rooms of the proposal for the following reasons: there are ground floor windows on the south-east elevation of the proposed dwellinghouse which, serve the open plan kitchen and utility room. The kitchen is open plan and part of the larger living, dining room area, however the primary outlook is towards the garden in the north-west, there will be full width, glazed, accordion patio doors. There are also two east facing and two west facing full height fixed windows which will serve to allow additional natural light into the property. On the floor above, there are two bathrooms with rooflights in the rear roof slopes which fact south-east. It is possible that this area of the property will experience overshadowing, however as the rooflights sit flush within the roofslope, as opposed to perpendicular to the ground, and furthermore being in the roof, it is considered that the any obstruction from natural light would be minimal. Furthermore these bathrooms are not considered habitable rooms and therefore have no requirement for natural light and outlook.

There are two bedrooms proposed on the north-west elevation which have views which face out over the proposed private garden area, and a third bedroom with a window in the east elevation, looking towards 7 St Nicholas Close. Although the proximity of this window is less than 4m away from the elevation of the neighbouring building, considering this is bedroom 3, which is of a reasonable double size (12sq.m), furthermore there are no windows in the west elevation of 7 St Nicholas Close. As such Officers are of the opinion that on balance the residential amenity of future occupiers would not be significantly compromised with regards to outlook, overshadowing and privacy.

The garden of no. 3 Tithebarn is centrally positioned along the rear elevation of the proposed dwellinghouse and will experience direct views of the proposal when complete. However, the closest rear elevation of no. 3 Tithebarn Way will be over 10m away from the shared boundary which will be separated by a 2m high timber fence and the proposed property is set another 2m away from the shared boundary. Furthermore, as mentioned above, the proposal sits lower than the properties at Tithebarn Way and is designed as a single storey with a deep pitched roof for the above ground accommodation, giving the appearance of a bungalow with a loft conversion.

As such, in response to the objection received, concerning the impact on views and privacy from windows on the south elevation of the proposal, the elevation which will be visible from the properties at Tithebarn way will slope away from those at Tithebarn Way, minimising the impact on visual obscurity. Furthermore, planning history (ref: 14/1090/RES) shows that two of the three, first floor, rear elevation windows on the properties at Tithebarn Way, serve bathrooms and the third serves a third bedroom. Furthermore, as the house is just 1.5 storeys, and set a significant distance away from the main rear elevation of the neighbouring dwellinghouses (11m+), it is considered that the development would not cause substantial harm to the residential amenity of neighbouring occupiers in terms of the impact on views overshadowing or overlooking.

### **Highways**

The site will be accessed via an existing access off St Nicholas Close, onto Tithebarn Way. The applicant proposes space which will accommodate two cars and although there is no cycle parking proposed, a condition will be attached to any grant of consent requiring further details for cycle parking to be submitted for approval. The application will therefore comply with the Council's Core strategy Policy CP9 and the Core Strategy Policy T3, and Sustainable Transport

SPD. Therefore the application conforms with policy with regard to access and supporting sustainable means of transport.

Concerns were raised with regard to highway safety for pedestrians however, Devon County Highways Authority have raised no objections to the proposal in this respect. The concerns raised by residents with regard to ownership and maintenance of the private road is a civil issue and therefore cannot be dealt with under planning control. However where concerns the points raised by neighbouring residents regarding noise, dirt, dust and disturbance as a result of the construction and vehicles visiting the site during development. Environment Health Officers raised no objections subject to a condition concerning construction works and proposed an informative urging the developers to conform with the considerate constructors code of conduct. For the reasons outlined above, it is considered that there are no impacts as a result of the development which would cause undue harm to the with regard to the use and operation of the highway.

### **Landscaping**

There are existing trees and shrubs on the site and applicant has indicated that the proposal will consist of a considerable garden area with some hardstanding for parking of cars. As such in order to mitigate any negative impact caused to existing trees of importance on the site a condition will be applied to any grant of planning permission requiring further details of planting plan and a condition to protect existing trees which will remain during and after construction. As such the application is considered acceptable in terms of landscaping.

### **RECOMMENDATION**

Concerns relating to material planning considerations have been addressed through revisions to the scheme or conditions on the decision notice.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, it is considered that the proposal would be appropriate as there is clear justification as it would cause insignificant harm to the residential amenity of neighbouring occupiers. Accordingly, this application is recommended for APPROVAL subject to 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 and 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 date dwg. nos. 180042.THOMPSON.04PP A Rev. A-23.01.19, 180042.THOMPSON.05PP 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 8 am 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.

4. Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter 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.
5. 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 or building 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.
6. 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.
7. 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 5837:2012 - Trees in Relation to Design, demolition and 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.
8. No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.  
**Reason:** To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.
9. 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 or alterations shall be carried out within the curtilage of the dwellings 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.

10. Before the development hereby approved is brought into use the proposed rooflights in the south roofslope of the property shall be glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted on the ground floor or roofslope of this elevation.

**Reason:** To protect the amenities of the adjoining property.

11. Before the development hereby approved is brought into use the proposed windows in the west elevation of the property shall be permanently fixed and glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the ground or first floor of this elevation.

**Reason:** To protect the amenities of the adjoining property.

## **INFORMATIVES**

In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

*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*