

## **OFFICER'S REPORT AND RECOMMENDATION (19/1168/FUL)**

Land Adjacent to 2A Newcourt Road  
Topsham  
Exeter  
EX3 0BT

### **SITE HISTORY**

There have been four previous refused application for a detached dwelling at this site, refs. 01/1065/FUL; 03/0287/FUL; 07/0735/FUL and 19/0621/FUL.

#### **APP/Y1110/A/07/2055116 - 07/0735/FUL – Appeal Dismissed**

The application ref. 07/0735/FUL, which sought permission for a single storey dwelling, was dismissed at appeal (APP/Y1110/A/07/2055116). The Inspector concluded, that the development would result in harm to the character and appearance of the area and the poor living conditions that it would offer for the occupiers of the dwelling. One of the chief concerns raised was the relationship of the development with 2A Newcourt Road, whose front elevation dominates the view northwards along Newcourt Road.

#### **APP/Y1110/W/19/3232228 - 19/0621/FUL – Appeal Dismissed**

The most recent application ref 19/0621/FUL, was also dismissed at appeal (APP/Y1110/W/19/3232228). The main issues were the effect of the proposal on the character and appearance of the area including the effect on the nearby Topsham Conservation Area; and whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to amenity space. The site, although not within the Topsham Conservation Area, is located on the boundary.

The Inspector stated that, in line with the previous appeal, due to the variety of relationships between buildings and the road, and the position of the development site, a dwelling in this location would not appear unduly cramped and would not cause harm to the character of the area in this regard.

The Inspector stated that the contemporary design with its hard, straight lines and flat roof would be at odds with the traditional buildings which surround it in close proximity, which is emphasised by the modern palette of materials. As a result the proposal would appear as an incongruous addition in the street scene, which would fail to respect, and therefore cause harm to the character and appearance of the area. Furthermore the Inspector noted that the dwelling at 2A Newcourt Road is prominent on the approach along the road from the junction with Denver Road and provides a focal point which is typical of the traditional built form of the area. The proposal would introduce a new visually jarring focal point, eroding the character and appearance of the area.

The proposal was deemed to fail to respond sympathetically to its context and as such, would harm the character and appearance of the area and to the conservation area, with no identifiable public benefit to outweigh the harm.

The proposed dwelling would have areas of private amenity space, including a grassed area and a small patio to the front and side of the property, which the Inspector considered to be fairly narrow and close to the road. Located next the road, those using the garden would not have an acceptable level of privacy and would feel exposed and overlooked, this would be further impacted by the first floor windows of 2A Newcourt Road. The Inspector noted that although planting or alternative boundary treatments could be used to achieve some level of privacy, due to the small size of the garden any boundary treatment to achieve an acceptable level would have detrimental impacts to the light levels and outlook of the proposed dwelling. The position of the gardens also means that they would be substantially shaded for much of the day and would be of poor quality.

In response to third party comments, the inspector concluded that development of this scale would not have an unacceptable impact in terms of highway safety, noting the low speed of the road and sufficient visibility from the access, despite the fairly frequent movement of cars at the time of the visit.

### **DESCRIPTION OF SITE/PROPOSAL**

The application site comprise a small area of vacant green space which was formally part of the front garden of 2a Newcourt Road. The site has been separated from the property for some time.

The site is bounded by Newcourt Road to the west and to the east, a 7 metre strip of garden (leased by 2a Newcourt Road) separates the site from the railway line (East line, Exeter to Exmouth). There is an existing five-bar gate access to the site in the northwest corner.

The site is located on the boundary of the Topsham Conservation area, therefore, although not located within the conservation area, the site impacts on its setting. The significance of the conservation area is the result in part from its traditional character and appearance, including the use of traditional materials. A mixture of dwelling types are present within the area, however the properties, including a couple of new properties within the area have a largely traditional character and appearance, and all appear to have pitched roofs. To the southeast and northwest of the site are a number of locally listed buildings, including 2 Newcourt Road.

This application seeks permission for the construction of a two bedroom, single storey, detached dwelling. With two car parking spaces to be located to the north of the property. In the first proposal submitted, the amenity space was located forward of the proposed dwelling, screened by a fence.

Following the end of the consultation period and the outcome of the appeal (ref. 19/0621/FUL) the proposed plans and the footprint of the dwelling was amended to create amenity space to the rear of the property and minor alterations to the design, as follows. The proposed property will cover an area of approximately 77 square metres and is proposed to have a natural grey slate pitched roof.

The property is proposed to be finished in white render with dark grey metal windows. The separation between the dwelling and the boundary will be within 6 metres to the north, 1.5 metres to the south, 2 metres to the east and 3.5 metres to the west.

An area (approx 36 square metres) of non-private amenity space is proposed between the front elevation and the boundary and to the northeast corner of the site. In addition, the south east

corner of the proposed dwelling has been removed to create an enclosed east/southeast facing garden to the rear of the property, 23 square metres.

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

Design and Access Statement

### **REPRESENTATIONS**

Outcome of re-consultation period on revised drawings

**Objections, 9.** Principal issues raised:

- The issue of increased pressure on parking and in the road outside remains the same;
- Little change in floor area of development;
- the revised/new application appears to be the same in all relevant areas, to those already refused;
- Concern over impact on congestion during construction;
- No direct access to the site;
- Design at odds with character of the area, including historic buildings
- Site area insufficient to accommodate additional dwelling;
- Detrimental visual impact on the character, architecture and appearance of the area, with an unsatisfactory relationship with 2A Newcourt Road and the adjacent listed building, contrary to Policy DG1 of the Exeter Local Plan;
- Siting of the dwelling in close proximity to the railway line, would create inadequate amenity space and would be detrimental to the residential environment, contrary to Policy DG4 of Exeter Local Plan.

1 Letter of representation. Comments are summarised below:

- Concern regarding the impact of the proposed development on 2a Newcourt Road within the street scene;
- Concern regarding consultation with Network Rail;
- Implications of the DCC New Street Order;
- Contrary to previous refusal reason of application reference 03/0287/FUL;
- Concern over loss of hedge.

Outcome of first public consultation period.

**Objections: 11.** Principal issues raised:

- Detrimental visual impact on the character, architecture and appearance of the area, with an unsatisfactory relationship with 2A Newcourt Road and the adjacent listed building, contrary to Policy DG1 of the Exeter Local Plan;
- Siting of the dwelling in close proximity to the railway line, would create inadequate amenity space and would be detrimental to the residential environment, contrary to Policy DG4 of Exeter Local Plan;
- Overlooking from front windows to houses opposite;
- Devon County Council New Street Order, requires land being developed to be set back to allow for future street widening;
- Access dangerous to pedestrians and cyclists, and poses a risk for vehicle collision;
- Disruption during the construction of the dwelling particularly in relation to parking;

- Potential for second line of railway track to be installed on area of garden behind the property;
- Should be kept as open space;
- Negative impact on neighbouring properties;
- Gable close to adjoining property, impact on amenity of neighbouring property;
- Overdevelopment.

## **CONSULTATIONS**

**Environmental Health Officer (Exeter City Council)** recommends a condition to control construction hours and an informative regarding the smoke control area.

**Highways Officer (Devon County Council)** has referred the officer to the Devon County Council Highways Standing Advice.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

#### **National Planning Policy Framework (2019)**

- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places
- 16. Conserving and enhancing the historic environment

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

#### **Objective 9**

- CP3 Housing development
- CP4 Housing density
- CP17 Design and local distinctiveness

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

- AP1 Design and location of development
- AP2 Sequential approach
- H1 Housing land search sequence
- H2 Housing location priorities
- T2 Accessibility criteria
- T3 Encouraging use of sustainable modes of transport
- T10 Car parking standards
- C1 Conservation areas
- C3 Buildings of local importance
- DG1 Objectives of urban design
- DG2 Energy conservation
- DG4 Residential layout and amenity

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

Residential Design SPD 2010

### **Conservation Area Appraisals**

Topsham Conservation Area Appraisal (2009)

### **Exeter City Council Development Delivery DPD (Publication Version) 2015**

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD8 Housing on unallocated sites  
DD13 Residential amenity  
DD21 Parking  
DD25 Design principles

## **OBSERVATIONS**

### **Principle of development**

The Inspectors for the appeal decisions for the site (ref APP/Y1110/A/07/2055116 and APP/Y1110/W/19/3232228), stated due to the variety in relationships between the road and the position of the proposed dwelling would not appear unduly cramped, concluding that the introduction of a modest sized bungalow within this location is potentially acceptable. Infill development within established residential areas, including this site, represents an important contribution to the housing supply within the city.

To accord with policy CP4 of the Exeter Core Strategy and Policy H1 of the Exeter Local Plan, residential development should achieve the highest appropriate density compatible with the protection of local amenities and the character and quality of the local environment. It is considered that the principle issues raised by this proposal are the impact on the street scene, the design and scale of the proposed dwelling and the impact on the street scene and setting of the Topsham Conservation Area and the amenity of the occupants.

### **Design, impact on the street scene and setting of conservation area**

The land has traditionally formed part of the curtilage of 2a Newcourt Road. Due to the orientation of 2A Newcourt Road, which sits at an angle to the road, is visually prominent and is designed to dominate the view northwards along Newcourt Road. The proposed dwelling has been positioned to ensure that the line of vision to 2A Newcourt Road is retained and ensuring there is minimal disturbance to this view and therefore retain the character and sense of place provided by this view.

Local Planning Authorities have a duty within section 72 of Planning (Listed Building and Conservation Area) 1990 which requires special attention to desirability of preserving or enhancing the character or appearance of the conservation area, including its setting. The dwelling site is just located outside the boundary of the Topsham Conservation Area and is located within close proximity of a number of locally listed properties. The development site is therefore considered to impact the setting of the conservation area and to a degree the setting of the locally listed buildings and as such this must be considered.

A mixture of dwelling types are present within the area, however the properties, including a couple of new properties within the area have a largely traditional character and appearance, and all appear to have pitched roofs. To the southeast and northwest of the site are a number of locally listed buildings, including 2 Newcourt Road.

The previous application (19/0621/FUL) sought to construct a single storey flat roofed dwelling with a contemporary appearance, which was considered to be a visually incongruous addition to the street. By contrast this application proposes single storey bungalow with pitched tile roof and rendered walls and is considered to be a more modest and traditional design which uses materials sympathetic to its location.

The proposal is therefore not considered to cause substantial harm to the setting of the conservation area and is more sympathetic to its context. The proposal is therefore considered compliant with Policies CP4 and CP17 of the Core Strategy and Policies H2, C1 and DG1 which seek for development to complement or enhance character and local identity, use materials that relate well to the area and retain local distinctiveness.

### **Amenity space, external and internal**

In accordance with Policy DG4 of the Exeter Local Plan, private garden space should not normally be smaller than 55 square metres, however in considering garden size, the orientation and the scale of buildings may be taken into account, with smaller houses with a sunny south facing garden potentially allowing for a smaller garden. The proposed dwelling would have areas of amenity space, including a grassed area to the front of the property (36 square metres) and private garden to the rear of the property (23 square metres), which would have a combined area of 59 square metres. A paved area for parking would also be situated to the north of the dwelling.

The area of garden to the front of the property, is fairly close to the road and would not be considered private due to overlooking from pedestrians and vehicles using the road. The garden to the rear by comparison, would be predominantly south facing, well screened and provides good quality outdoor amenity space over an area of 23 square metres. Although the private garden to the rear of the property is below the minimum requirement for private amenity space, it is considered in this instance that due to the modest size of the dwelling and the southeast orientation of the amenity space, the area of amenity space in this instance is considered acceptable.

The addition of the garden space to the rear of the property has the additional benefit of creating greater separation between the gable and the garden of the neighbouring property (2 Newcourt Road) and as such improves the relationship with the garden of the adjoining property.

The proposed dwelling will provide two bedrooms (one double and one single) and has an internal area of approximately 65.9 square metres, this exceeds the national space standards, for 2 bedroom, 3 person single storey dwelling. Secure cycle storage has also been provided in compliance with Policy T3 and the Sustainable Transport SPD.

Although, it would be preferable for the bin storage to be located within the envelope of the building, the separate bin store, in this case, located to the rear of the dwelling the proposed store will not have a detrimental impact on the street scene and therefore in this case the external bin store is considered acceptable.

### **Highways impacts**

The Highways Officer has referred the officer to standing advice for this application. As a small development, it is considered that there will not be a significant level of trip generation from the site and the plans provided indicate that the proposed access does not

pose an unacceptable impact on highway safety in the area. This view was shared by the Inspector in relation to the most recent appeal for site, (APP/Y1110/W/19/3232228) for which the highway arrangements have remained the same.

Concerns have been raised by objectors regarding the potential for disruption during construction, although a degree of disruption would be expected during the development, any consent granted will be conditioned for the submission of a Construction Environmental Management Plan (CEMP) to mitigate the worst of this impact.

Concerns have been raised regarding the proximity to the rail line. No comments have been received from Network Rail regarding the proposal, the Inspector for the 2007 appeal, (APP/Y1110/A/07/2055116) also concluded that due to the light use of the branch line and limited speeds, the disturbance from passing trains would be minimal and acceptable.

Concerns have been raised with regards overlooking from the proposed bungalow to the row of terraces opposite. As a result of the distance between the proposed dwelling and the properties opposite (at the shortest point, there will be a 16 metre separation between the proposed dwelling and the houses opposite) and the single storey nature of the bungalow, the proposed dwelling will not result in unacceptable overlooking between the two properties.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that an AA is required. This AA has been carried out, and concludes that the development could have an impact, primarily arising from the recreational activity of future occupants of the development. If approved, this impact must be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council, which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

## **Conclusion**

For the reasons outlined above the proposed development is considered to be compliant with Objectives 1 and 9 and Policies CP4 and CP17 of the Exeter Core Strategy, Policies H1, H2, T3, C1, DG1 and DG4 of the Exeter Local Plan First Review, the Residential Design Guide SPD and the Sustainable Transport SPD. Officer recommendation is therefore for approval.

## **DELEGATION BRIEFING**

03 December 2019 - An original application for a bungalow had been dismissed at appeal on grounds of inappropriate design with a large flat roof and a large amenity space at the front of the property enabling a view into the house from the road and poor amenity space. A revised design with a pitched roof and putting forward a more traditional bungalow had also been rejected because of the amenity space retained at the front.

A third design put forward moved the main amenity space to the rear covering 23 square metres but with some amenity space retained at the front. The design was improved with a pitch roof maintained. Thirteen objections had been received in total to the current application, 11 objections to the first revision and 3 to the second revision. Objections were received on grounds of design, overdevelopment of the site, amenity and the impact on the highway, although the Highways Officer had not objected and the Inspector concluded impact on highway acceptable.

Members supported report to the Planning Committee with a recommendation for approval.

## **RECOMMENDATION**

### **APPROVE with conditions:**

#### **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 23 June 2019 (including dwg. nos. MW2-03 Rev 1 01; MW-04 Rev A) as modified by other conditions of this consent.

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

3) Pre-Commencement Condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase;
- b) The parking of vehicles of site operatives and visitors;
- c) The areas for loading and unloading plant and materials;
- d) Storage areas of plant and materials used in constructing the development;
- e) The erection and maintenance of securing hoarding, if appropriate;
- f) Wheel washing facilities;
- g) Measures to control the emission of dust and dirt during construction;
- h) No burning on site during construction or site preparation works;
- i) Measures to minimise noise nuisance to neighbours from plant and machinery;
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays; and
- k) No driven piling without prior consent from the Local Planning Authority.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas and to ensure the construction phase is managed in a way that reduces any harmful impacts on the locality.

4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority

Reason: In order to protect residential amenity and to prevent overdevelopment.

#### **INFORMATIVES**

1) The applicant should be aware that this development is within a Smoke Control Area, which places controls on the emissions of smoke from domestic fires and solid fuel boilers.



Advice on controlling the emissions from and health impacts of wood burning is available from [https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307\\_Ready\\_to\\_Burn\\_Web.pdf](https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307_Ready_to_Burn_Web.pdf). It is recommended that all new stoves meet the EcoDesign Ready standard. In addition, careful design of the flue may be required in order to prevent the appliance causing a nuisance by fume or odours. For further advice, please contact the Environmental Protection Unit on 01392 265148.

2) 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.

3) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

4) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).