

**COMMITTEE DATE:** 15/04/2019

**APPLICATION NO:** 18/0704/FUL  
**APPLICANT:** Heritage Development SW Ltd  
**PROPOSAL:** Demolition of existing house and annex and construction of four new houses (semi-detached) with associated parking and infrastructure.  
**LOCATION:** 20 Countess Wear Road  
Exeter  
Devon  
EX2 6LG  
**REGISTRATION DATE:** 08.11.2018

### **SITE HISTORY**

The main dwelling was extended in the 1960s to create an annexe. The site previously sought outline planning permission in 2008 (08/0342/OUT) for a detached dwelling in the rear garden, but this was withdrawn. There is no further planning permission considered relevant to this application.

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

This site consists of a detached 1960's red brick and wooden clad dwelling and annexe fronting Countess Wear Road. This property appears as two and a half storey in height and is set back from the road with a parking area to the front of the property. The private L-shaped garden to the rear slopes away from the road to an access from Mill Road. The site is close to the River Exe and is opposite an area identified within the Local Plan as a Site of Nature Conservation Importance.

The eastern side of the road is characterised by two-storey detached and semi-detached properties set back from the road. The topography of the road sloping from east to west is such that the properties on the eastern side sit significantly higher than road level. The properties on the western side of Countess Wear Road are much more varied in architectural style and design, with no clear character. The properties are generally set back from the road with gardens or parking to the front often with a boundary wall.

There are currently two applications under consideration for 20 Countess Wear. This application concerns the demolition of existing house and annex and construction of four new houses (two pairs of semi-detached) with associated parking and infrastructure in the top section of the site. Due to the change in levels the rendered dwellings will appear three storey as viewed from Countess Wear Road and four storey from the southwest (rear) elevation. The site will be excavated to create basement floors which will have level access to the rear gardens.

The ground floor frontage to Countess Wear Road consists of the entrance door and garage door, with allocated parking space in front. The existing front boundary wall will be demolished and replaced by three low level planters. There is sufficient room for an additional three cars to park in front of the properties if required. The development will be 2.8 metres higher than the existing property and sit 2.1 metres closer to the southeast boundary with a distance of 1.1 metres.

An additional application is also currently under consideration for the lower section of the garden for the construction of a single dwelling (ref. 18/0707/FUL).

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

### **Design and Access Statement**

The statement describes the site, provides an overview of the proposed development and outlines the proposal in relation to relevant policy.

### **Flood Risk Assessment and Drainage Strategy**

A Site Specific Flood Risk Assessment has been submitted in respect of the two applications current under consideration at 20 Countess Wear Road (18/074/FUL and 18/0707/FUL). This site does not fall within the flood zones.

### **Extended Phase 1 Habitat Survey & Preliminary Ecological Appraisal**

This report concludes that the proposal to construct new houses within the grounds of the site would have a very little material impact on the site's ecology and habitat value.

It recommends that reasonable and proportionate mitigation and enhancement provisions should be made, which would enhance the integrity of the site for the benefit of wildlife and for the occupants of the new houses. The site does not appear to provide the potential for use as a breeding or roosting/sheltering site by any European Protected Species. A great crested newt survey is likely to confirm that conclusion. The needs of bats, birds and other wildlife can, however, be accommodated and enhanced by the provisions recommended within the report.

## **REPRESENTATIONS**

**Objections: 43, including an objection from Exeter Civic Society.** Principal planning issues raised:

- Contrary to policies in Local Plan and Core Strategy
- No affordable housing provided
- Overdevelopment of the site
- Overbearing and out of scale, too high
- Incongruous to its surroundings and has a detrimental impact to the street scene
- Detrimental to residential amenity through noise, disturbance, overlooking and loss of light
- Windows and balconies negatively impact privacy.
- Poor design which does not relate to the character of the area
- Adverse impact on views from within and onto Countess Wear Road
- Impractical layout for bin collection
- The spaces and garages provided are too small for a car, insufficient and do not take account of visitor parking
- Proposed trees for landscaping are not appropriate
- The historic boundary wall will be lost
- Proximity to the Lime Kiln and its cottages, negative impact on the historic context, dwarfing them
- Conflict with walkers/cyclists, due to no pavement and loss of the boundary wall
- Increased traffic pressure on School Lane and Exe Vale Road
- Detrimental to safety of road users, pedestrians and cyclists

- Manoeuvring of cars should remain within the site boundaries
- Road drainage will not cope with the increase in dwellings
- Flood risk
- Concern regarding water runoff into the road
- Ecological survey required due to maternal bat colony
- Concerns about impacts during construction
- Increased CO<sub>2</sub> emissions

**Support: 1.** Principal planning issues raised:

- the proposal is in keeping with the development adjacent to the Tally Ho!
- the current building is considered ugly and dated
- the additional housing is a positive addition to the area

## **CONSULTATIONS**

**The Highways Officer** notes that the site is a brownfield site and given the existing use and the relatively moderate number of dwellings being proposed, the traffic generation from this site does not form a reason for refusal.

Vehicular access is provided onto Countess Wear Road. The submitted plans show that the existing high walls that obscured visibility (based upon on site observations) are to be removed and the site sections indicate a low wall is to be in its place (thereby improving visibility). Given the very slow speed of the road and the nature of the access points already in the vicinity, the nose of any vehicle exiting 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. There are no recorded accidents attributed to vehicles coming in and out of this access in the past 5 years.

The proposal provides a level of parking which is in line with the requirements set out by Exeter City Council's Residential Design Guide SPD – two spaces per dwelling are being provided. Although cycle parking is provided within garages, there is a conflict with bin storage facilities and therefore there is no clarity over the secure cycle provision. The application therefore fails to meet clearly the standards set out in the Sustainable Transport SPD.

If the applicant wishes to work on the highway (for example removing walls adjacent to the highway), permission must be obtained prior to undertaking this work.

Subject to conditions being attached in the grant of any permission to secure the provision of the vehicular parking spaces and clarification of the secure covered cycle parking, no objection.

Following this comment the Highways Officer has requested confirmation of visibility splays of the properties fronting onto Countess Wear Road. These have not yet been provided.

**The Environmental Health Officer** has raised no objections to the proposal subject to a condition to control construction and demolition hours.

**South West Water** (SWW) comment that the method proposed to discharge into a surface water sewerage network system is acceptable and meets with the Run-off Destination Hierarchy. However, should this method be amended, SWW will require clear evidence to

demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance: National Planning Policy Framework (2018)**

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

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

#### Objective 9

*'Create and reinforce local distinctiveness and raise the quality of urban living through excellence in design.'*

CP1 Spatial approach

CP4 Housing density

*'Residential development should achieve the highest appropriate density compatible with the protection of heritage assets, local amenities, character and quality of the local environment and safety and convenience of the local trunk road network.'*

CP5 Meeting housing needs

CP7 Affordable housing

CP15 Sustainable design and construction

CP17 Design and local distinctiveness

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

AP1 Design and local distinctiveness

AP2 Sequential approach

H1 Housing and land search sequence

H2 Housing location priorities

H6 Affordable housing

T1 Hierarchy of modes of transport

T2 Accessibility criteria

T3 Encouraging use of sustainable modes of transport

T10 Car parking standards

EN4 Flood risk

DG1 Objectives of urban design

DG2 Energy conservation

DG4 Residential layout and amenity

DG6 Vehicle circulation and car parking in residential developments

DG7 Crime prevention and safety

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

Residential Design SPD 2010

Sustainable Transport SPD

## **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.

DD1 Sustainable development  
DD8 Housing on unallocated sites  
DD9 Accessible, adoptable and wheelchair user dwellings  
DD13 Residential amenity  
DD20 Sustainable movement  
DD21 Parking  
DD25 Design principles  
DD26 Designing out crime  
DD31 Biodiversity  
DD33 Flood risk

### **Technical Housing Standards – Nationally described space standards (March 2015)**

#### **OBSERVATIONS**

The principal issues raised by this proposal are:

- the principle of development
- overdevelopment
- amenity of neighbouring properties
- the design, scale and massing of the proposal, and its impact on the street scene

#### **Principle**

The introduction of additional dwellings within this location is considered acceptable. Infill development represents an important contribution to the housing supply within the city. However, the number of units proposed in this instance raises a number of concerns that override the general acceptance of the principle of development.

#### **Overdevelopment**

To accord with policy CP4 of the Exeter Core Strategy, residential development should achieve the highest appropriate density compatible with the protection of local amenities and the character and quality of the local environment. If a development is too large for the site, it can have implications for neighbouring amenity or the street scene.

#### **Amenity of neighbours**

The number of dwellings proposed and the increased massing of the building is a significant issue in respect of the residential amenity on the adjacent building, 20A Countess Wear Road. Given the design of the building, the height and proximity to the boundary, it is considered it would have an adverse impact on the residential amenity of the property, to the extent that the ability of the residents to feel at home within their garden would be significantly diminished. Consequently it is considered the proposal fails to comply with Policy CP4 of the Exeter Core Strategy, Policy DG4 of the Exeter Local Plan and Policy DD13 of the Development Delivery DPD.

Concern has also been raised about the impact of the development on the property to the north of the development, 12 Countess Wear Road and the properties to the rear on Mill Road. The

distance between the rear elevation of the proposed dwellings and the dwellings within Mill Road exceeds 22 metres, in compliance with Policy DG4 and would therefore not constitute a reasons for refusal.

### **Design, scale and massing, and impact on the street scene**

Objectors raise concerns regarding the design of the dwellings, particularly highlighting that the properties are overbearing and out of character with the street scene. The properties on the western side of Countess Wear Road are varied in style but generally are two storey with pitched roofs and are set back from the road with stone boundary walls. The design and access statement states that the height of the dwelling is the same as that of a two storey dwelling with a traditional pitched roof. However, the choice of flat roof amplifies the volume and massing of the proposed dwellings within the street scene, particularly as the property to the south is single storey as viewed from the street.

The proposed dwellings will sit significantly higher than the adjoining properties, and lack variation in height, thus relating poorly to adjoining properties. The largely blank side elevations, which would be viewable from the street scene, are particularly dominant. The result is that the proposed dwellings present an incongruous addition to the street scene which is contrary to Objective 9 and Policy CP17 of the Exeter Core Strategy and Policy DG1 of the Exeter Local Plan.

To accord with the Residential Design Guide SPD, all buildings should have habitable frontage at the ground floor level. Integral parking (garages) will only be acceptable where living areas are accommodated on the ground floor frontage, and where the dwellings are set sufficiently far forward to avoid parking between the dwelling and the street. With no habitable rooms on the ground floor frontage and an integrated garage with parking in front, this proposal is clearly contrary to the Residential Design Guide SPD.

### **Other issues**

Objectors have raised concerns regarding the increase of traffic as a result of the development, the potential for conflict with other road users and the number of parking spaces provided. The proposal provides sufficient parking in compliance with the Residential Design Guide SPD and Policy T10 of the Exeter Local Plan. The Highways Officer's assessment indicates that due to the moderate number of dwellings proposed the traffic generation from this site does not constitute a reason for refusal. However, accurate visibility splays have not to date been provided to indicate that there will be safe access from the site for vehicles.

The plans indicate that cycle storage will be provided within the garages of the dwellings. However, there is a lack of clarity regarding the number of secure spaces provided. It is also unclear whether the garages are of adequate size to adequately accommodate cycle storage in line with the requirements of the Residential Design Guide SPD.

In terms of residential amenity for the occupiers, the proposed dwellings meet the Council's minimum standards, as set out in Policy DG4 of the Exeter Local Plan and the Residential Design Guide SPD. Storage for two bins is allocated within the rear gardens, with no impact on the street scene, and is within the 25 metre wheeling distance required by the Residential Design Guide SPD.

As a result of the concerns raised by objectors regarding the impact of the development on the ecology of the site, an Ecological Appraisal was provided. The appraisal concludes that there would be little material impact on the site ecology and habitat value, and suggests mitigation

and enhancement provisions. In line with the findings of the Ecological appraisal, it is not considered that impact on ecology is a valid argument for refusal.

Objectors raised concerns that the development should be providing affordable housing in line with Policy CP7 of the Core Strategy due to the number of dwellings proposed. This policy is superseded by paragraph 63 of the NPPF (2018) which states that provision of affordable housing should not be sought for residential developments that are not major developments. As a minor providing four residential units, this falls below the threshold of 10 for a major development. The development is therefore not required to provide affordable housing.

The proposed development for the four new dwellings has no archaeological implications. Any remains on the area are very unlikely to have survived the extensive 1960s and later development of this site. The proposal does not have an adverse impact on the character and setting of any heritage assets in the area.

Objectors raised concerns that the proposed dwellings would increase flood risk. As the site is located outside the flood zones 2 and 3, and is not identified as being within the surface flooding area, this does not constitute a reason for refusal.

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.

If the proposal is approved it will generate a £49,857.23 CIL contribution.

### **Conclusion**

As stated above, the principal issues arising from this proposal are overdevelopment, neighbouring amenity, scale and massing and the impact on the street scene. Although the principle of development at this site is considered acceptable, the proposal for four residential units will result in a cramped form of development that will be detrimental to the character of the area and create adverse impacts on the amenities of the neighbouring property, 20A Countess Wear Road. The four dwellings will be an incongruous addition to the street scene. The proposal is therefore contrary to Objective 9 and Policies CP4 and CP17 of the Exeter Core Strategy, Policies H2, DG1 and DG4 of the Exeter Local Plan First Review and the Residential Design Guide SPD.

In accordance with the wishes of Members at the Delegation Briefing meeting held on 5 February 2019, the applicant has been offered the opportunity to revise the application to address concerns identified in this report. However, this offer was declined.

There are no other issues which would justify refusal. For the reasons outlined within this report the application is recommended for refusal.

### **Members site visit, 29 January 2019**

The details of the two proposals were outlined to members, who were able to observe the impact of the development on the adjoining properties. The proposal was viewed from within the

site, Mill Lane and at various points on Countess Wear Road.

### **Delegation Briefing, 5 February 2019**

The application was considered in conjunction with a further application relating to 20 Countess Wear Road, which was for residential provision at the bottom of the garden to the rear of the existing house.

Forty-three objections had been received on grounds relating to housing, design, transport, heritage, and environmental issues. Members viewed the site, and were concerned about overdevelopment, impact on the street scene, and the relationship with neighbours.

Members supported the suggestion to negotiate a revised proposal with a reduced number of units, and that either this, if acceptable for approval, or the existing application, which was likely to be refused, should be reported to the Planning Committee because of the number of objections.

### **RECOMMENDATION**

#### **REFUSAL for the following reasons:**

1) The proposal would be contrary to Objective 9 and Policies CP4 and CP17 of the Exeter Core Strategy, Policies H2, DG1 (b), (d), (f), (g), (h and DG4 a, b, c of the Exeter Local Plan First Review and the Residential Design Guide SPD because:

i) the proposed construction of four residential units would result in the overdevelopment of an inadequately proportioned site, presenting a cramped form of development unsympathetic with, and detrimental to, the character of this established residential area;

ii) the siting scale and design of the development would have a poor relationship with, and overbearing impact on, No. 20A Countess Wear Road with adverse impacts on the residential amenities of existing and future occupiers of the property, particularly in terms of loss of outlook and overshadowing in the garden area; and

iii) by reason of its scale, height and design the proposed development would be overbearing, dominant and visually intrusive within and relate poorly to the street scene, to the detriment of the character of the area.

### **INFORMATIVES**

1) 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 looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

2) 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 funding 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).