

OFFICER'S REPORT AND RECOMMENDATION (19/1215/FUL)

Hickling Cottage
Taddyforde Estate
Exeter
EX4 4AT

SITE HISTORY

Reference	Proposal	Decision	Decision Date
17/1508/FUL	Proposed replacement of existing outbuilding - Revised Design	PER	15.11.2017
16/0851/FUL	Proposed replacement outbuilding – Revised Design	PER	08.02.2017
15/0181/FUL	Proposed replacement outbuilding	REF	07.07.2015
96/0183/FUL	Erection of ground floor and first floor rear extensions	PER	15.04.1996

DESCRIPTION OF SITE/PROPOSAL

The proposal relates to a two storey detached outbuilding within the grounds of Hickling Cottage. It was granted consent in November 2017 under Planning Ref 17/1508/FUL and replaced a garage. The principle of an outbuilding on this site had already been established by an earlier consent in February 2017 (under Ref. 16/0851/FUL).

The building is located within the Taddyforde Conservation Area and is adjacent to a narrow arched entrance leading onto New North Road. It is characterised by white rendered walls and a slate-covered pitched roof with gable fronting the road. There is a small roof feature at ground floor level. There is a paved terrace at first floor level. Inside, the building contains a kitchen, bathroom, lounge and bedroom area at first floor level. There is a further room on the ground floor, currently being used as a workshop although the plans indicate it might be used as the bedroom in the future to create more living room space upstairs.

Because the applicant did not apply for planning permission for a separate dwelling under these previous applications, the Local Planning Authority confirmed through informatives on the permissions that the proposals had been considered as annexes to Hickling Cottage. It was confirmed that occupation of the outbuilding as a separate residential unit would constitute a change of use and therefore require planning permission. Consequently, planning permission is now sought to change the use of the annexe to a separate dwellinghouse.

REPRESENTATIONS

13 letters of objection have been received. The main points raised are:-

- An informative was included on the previous permission that the outbuilding could not be used as a separate dwelling. The Council should adhere to this line.
- The applicant always intended to use the building as a separate dwelling. The Council should not allow this to succeed.
- The loss of the garage has removed off-street parking from Hickling Cottage. This proposal will add to parking pressure on the Taddyforde Estate, has the potential to cause a pinch-point for access to the rest of the estate and harm the setting of the conservation area.
- Granting permission here would set a precedent for the overdevelopment of the Taddyforde estate.
- There is insufficient garden space for the two properties.
- It is not a proper house and not big enough to be used as a different house.

CONSULTATIONS

None received.

PLANNING POLICIES/POLICY GUIDANCE

Exeter Local Development Framework Core Strategy

CP16 – Protected Sites and Species

CP17 – Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

H1 – Search Sequence

H2 – Location Priorities

C1 – Conservation Areas

T3 – Encouraging Use of Sustainable Modes

DG1 – Objectives of Urban Design

DG4 – Residential Layout and Amenity

Residential Design Supplementary Planning Document

Technical Housing Standards – Nationally Described Space Standard

OBSERVATIONS

The building has already been granted planning permission and has been built in accordance with the approved plans. It should be noted, however, that a minor alteration has occurred at first floor level on the front elevation, where two windows have been replaced with one, but this is an improvement on the approved design and so it is unlikely that the Council would have objected to this.

The main consideration here is whether the use of the building as a single dwelling is acceptable. The aforementioned planning permission from 2017 contained an informative, but not a condition, that stated that “the outbuilding hereby approved may only be occupied or used in association with the occupation of the main dwelling”. This confirmed that the Local Planning Authority had not been asked to assess the scheme as a separate dwelling. That said, it is difficult to see any significant difference between the use of this building as an annexe and as a

separate dwelling. The building is detached from Hickling Cottage and has an internal layout which makes it capable of self-contained independent living. Were an owner of Hickling Cottage to rent the annexe to a tenant, that occupier could live there without having any need to make use of facilities within Hickling Cottage itself. The comings and goings, and associated activities (including parking), would be the same for that occupier regardless of the status of the building as either an annexe or a separate dwelling.

This situation has many similarities with a previous case at 299 Topsham Road. The Council had granted planning permission for a flat over a detached garage block, within the grounds of 299 Topsham Road, subject to a condition that it could only be used as an annexe and occupied by relatives or staff of the occupiers of the main property (Ref. 03/0804/FUL granted 21 July 2003). In 2006, the Council subsequently received an application to use the flat as a separate residential unit (Ref. 06/1797/VOC). The Council refused permission in December 2006 and sought to argue that a new dwelling in this location would be unacceptable. However, at appeal, the Planning Inspectorate disagreed and granted consent stating:-

“The building itself has already been permitted; what is at issue here is the manner of its occupation. ... The living accommodation is effectively self-contained and any occupant would be dependent on the main dwelling only for certain shared external facilities, such as access and car parking. As matters stand, a staff member could occupy the annexe ... and lead a largely independent existence, entering the main dwelling only as required for work. Such an occupant could be reasonably expected to own a car and to make some use of the external space for purposes such as parking, rubbish storage, drying clothes etc. It seems to me that the annexe would be used in a very similar way if it were occupied independently of the main house. Overall, I consider that such a change in occupation would have a barely perceptible effect on its environment.” (Paragraph 7 of Planning Permission Ref. APP/Y1110/A/07/2035507 granted 5 December 2007).

Given this, if the Council were to seek to support the status quo, it is difficult to see how it would defend its position successfully on appeal, especially given that there are no obvious conflicts with the development plan or national planning policy. The building would meet the Government's minimum internal space standards for a 1 bedroom dwelling. The Council has already accepted that the building would not harm the character and appearance of the conservation area, the street scene or any neighbouring residential amenities.

The only apparent conflict might be with the external garden area. The Council would normally want to see a minimum of 55 sq.m. provided. Because of the shape of this plot, it is difficult to be precise about exactly what areas of land should and should not be included. There is certainly 40 sq.m in the main terrace part of the garden but the applicant and his agent have stated that a case could be made for 55 sq.m. In reality, the answer is likely to be somewhere between these two figures. Overall, however, it is considered that to refuse permission on this one point would provide a weak case to defend at appeal.

In conclusion, therefore, for the reasons given above, it is recommended that planning permission is granted for this scheme.

DELEGATION BRIEFING – 3 December 2019

Members discussed the application but resolved that there should be a site visit prior to determination at Planning Committee.

MEMBERS' SITE VISIT – 17 December 2019

Members visited the property and had full access to all parts of the building.

RECOMMENDATION

APPROVE 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 26 September 2019 (drawings nos. 05 and 06) as modified by other conditions of this consent.

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

INFORMATIVES

1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

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 Area (SPA), the Exe Estuary, which is a designated European site. 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).