

PLANNING COMMITTEE REPORT

16 February 2021

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	BISHOPSTEIGNTON - 20/02223/FUL - Applegarth , Littlefield - Proposed subdivision of plot and new dwelling	
APPLICANT:	T & J-L Ballman & Polding	
CASE OFFICER	Taya Cotterill	
WARD MEMBERS:	Cllr Andrew MacGregor	Bishopsteignton
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/02223/FUL&MN	





**20/02223/FUL - Applegarth, Littlefield,
Bishopsteignton TQ14 9SG**



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1. REASON FOR REPORT

Cllr MacGregor has requested that the application is to be determined at Planning Committee if the Officer is minded to recommend approval, for the following reasons:

- This application is likely to mean overdevelopment within an existing development
- This development presents access impact and increased traffic on already tight lanes and concerns relating to allocation of single parking space for a 3 bedroom house.
- Design is not in keeping with surrounding properties
- Development is within the undeveloped coast.
- Loss of privacy in neighbouring properties

2. RECOMMENDATION

Permission be granted subject to conditions covering the following matters:

1. Standard time limit
2. Accord with plans (including eg. Solar
3. Parking facilities to be provided before use
4. Details of materials to be agreed before being used
5. Biodiversity enhancement scheme (Bat/ bird / bee boxes)
6. Removal of some PD – boundary treatments and extensions
7. Solar panels to be installed / commissioned prior to occupation

3. SITE DESCRIPTION

3.1 The application site forms part of the curtilage of existing property Applegarth, a detached house to the north of Forder Lane, Bishopsteignton. The site is therefore located in between Applegarth to the west and three detached garages to the east. Existing access to the site is from Forder Lane by the private driveway for Applegarth.

3.2 The site is currently used as a garden area for the property of Applegarth and is unmanaged in character, with areas of lawn, flowerbed borders and associated garden hedge boundaries. The site slopes down from the north of the site to the south with a difference in height of 2.64m.

3.3 The application site is located within the settlement boundary of Bishopsteignton and importantly is not designated as Open Countryside or Undeveloped Coast. The site is located within Flood Zone 1.

3.4 The site is located on the approach to but outside of the Bishopsteignton Conservation Area and approximately 50m to the east of Grade II listed building, The Old Gatehouse.

4. APPLICATION PROPOSAL

4.1 The application seeks full planning permission to divide the existing plot and construct an additional dwelling to the east of Applegarth, with a proposed access and off-street parking area for 2 cars from Littlefield. Pedestrian access will also be

from Littlefield. The proposed dwelling will have a footprint of around 63 m² and a gross internal area of approximately 100 m².

4.2 Entry to the property will be at first floor level, with all living space to be on this level to include a balcony area. Three bedrooms are proposed at ground floor level, leading out to a rear garden area.

5. PLANNING HISTORY

5.1 The site has no previous planning history.

6. KEY CONSIDERATIONS

6.1 The application seeks full planning permission to divide the existing plot and construct an additional dwelling to the east of Applegarth, with access and off-street parking area from Littlefield. The key issues in the consideration of the proposed development is as follows:

- Principle of the development;
- Impact upon the character and visual amenity of the area;
- Impact on residential amenity of surrounding properties;
- Access and Highway Safety;
- Heritage impact of the proposal;
- Ecological impact of the proposal; and
- Sustainability/ carbon reduction.

Principle of the development

6.2 The application proposes a new dwelling within the settlement boundary of Bishopsteignton. Within settlement limits, development will be permitted where it is consistent with the provisions and policies of the local plan as set out in Local Plan Policy S21A.

6.3 Bishopsteignton Neighbourhood Plan Policy BSH3 supports proposals for small-scale housing on sites within the settlement limit, subject to the policies in the Bishopsteignton NP and Local Plan. The Plan states that proposals will be expected to meet the local demand for smaller two and three bedroom units.

6.4 The proposed development would provide a three bedroom property within the settlement boundary of Bishopsteignton, within a ten minute walk of the services within the village centre, helping to meet local demand. The principle of development is therefore considered acceptable, subject to not having an adverse impact as assessed below.

Impact upon the character and visual amenity of the area

6.5 Policy S1 (Sustainable Development Criteria) requires proposals to maintain or enhance the character and appearance of settlements and street scenes. Policy S2 (Quality Development) requires development to utilise high quality design by responding to the characteristics of the site, its wider context and surrounding area by making the most effective use of the site, integrating with and, where possible, enhancing the character of the adjoining built environment.

6.6 The site is located on the main route from the A381 to Bishopsteignton Village centre and is considered to be suburban in character. There are a range of development styles both on Forder Lane and Littlefield. The properties directly opposite the site on Forder Lane are typically two storey semi-detached properties in a lighter brick. Directly behind the site on Littlefield, the properties are generally detached and in a variety of architectural styles. On the north side of Forder Lane and adjacent to the site, the properties display contemporary architecture with materials including timber cladding and glazed balconies. The proposal seeks to mirror this contemporary style and it is considered that the materials and finishes are in keeping with that of the neighbouring properties located between Forder Lane and Littlefield. The proposed materials include horizontal timber cladding for the upper level and off-white render below, similar to the properties of Applegarth and Treetops.

6.7 The existing stone wall boundary to the south of the site and along Forder Lane is considered to be important to the character of Forder Lane and when approaching the Conservation Area from the west. The wall would not be altered or removed as a result of the proposed development.

6.8 The proposed dwelling has a footprint of 55.6m² on a site of 244m², occupying 22.8% of the new plot. Surrounding properties occupy varying proportions ranging from 15% to 35% of their respective plots. Taking in to account the provisions of Policy S1 and S2, the size of the proposed dwelling is not considered to be out-of-scale with its surroundings and remain appropriate to its context.

6.9 Whilst it is likely that the new dwelling would be viewed from Forder Lane and Littlefield, it is considered that the proposals are in keeping with the adjoining properties and would not adversely impact on the character and visual amenity of the area.

Impact on residential amenity of surrounding properties

6.10 Policy S1 requires proposals to consider the impact on residential amenity, particularly privacy, security, outlook and natural light. During the determination period of the application, concerns have been raised regarding the impact on residential amenity of the surrounding properties on Littlefield, Forder Lane and the existing property of Applegarth once the new dwelling has been constructed. As such, these have been addressed in turn.

6.11 Impact on residential amenity of surrounding properties on Littlefield: It is important to note that due to the existing levels of the site and proposed underbuilt ground floor, the proposed dwelling will be viewed as single storey from the level of Littlefield. In addition, there are no windows proposed on the north elevation, towards Littlefield. The dwelling will rise to a maximum height of 62.8m (based on OS Datum) which is 0.5m less than that of Applegarth and 1.3m lower than Treetops. Whilst it is accepted that properties on Littlefield will view the house, due to the topography of the area, it is considered that their privacy, security and natural light will be unaffected.

6.12 It is therefore considered that the proposed dwelling will not have an adverse impact on the residential amenity of properties on Littlefield.

6.13 Impact on residential amenity of surrounding properties on Forder Lane: The distance between the proposed dwelling and properties directly opposite on

Forder Lane is 20.5m, in line with best practice in this regard. Given the intervening distance between the properties, neither impact on outlook or light is anticipated.

6.14 The impact on privacy is a key area of objection for neighbouring residents on Forder Lane and this was assessed whilst undertaking a site visit. To assess this impact it is necessary to consider which windows or doors in the proposal may result in a loss of privacy. Impact from enjoyment of the proposed garden area is not considered relevant as it is currently being used as a garden area for Applegarth and would be screened behind the boundary hedge.

6.15 The primary area for overlooking would be from the proposed balcony on the southern elevation. When viewing the southern elevation in the context of the existing elevation of Applegarth, it is clear that the balcony is situated no higher than the upper storey windows of Applegarth. In addition, the proposed balcony projects no further forward than the southern elevations of Applegarth or the balcony at Treetops. No further impact on privacy is therefore anticipated from the balcony. The entry porch is also to be glazed. Whilst typically this isn't an area residents spend much time, the plans depict a sofa in this area and describe it as a 'semi-outdoor porch, providing additional amenity'. Therefore it has been assessed as a habitable space for the purposes of completeness. Given that the screen porch is set back another 13m from the end of the balcony, it is not considered to result in any impact on residential amenity.

6.16 Upon the site visit it was noted that the boundary hedge, on the southern elevation separating the site and Forder Lane, had been cut back significantly. The current residents of Applegarth have since confirmed that they have carried out the lopping back and felling of the existing trees on this boundary following instruction from Devon County Council asking to cut back the overhanging vegetation and to make allowance for the regrowth so that the problem does not reoccur. It is considered that once the existing vegetation has had the chance to regrow it will be substantial enough that additional planting is not required along this boundary to aid with screening.

6.17 It is therefore considered that the proposed dwelling will not have an adverse impact on the residential amenity of properties on Forder Lane.

6.18 Impact on residential amenity of Applegarth: Once constructed, the new dwelling will be separated by 18.9m from Applegarth on a side elevation. Following Officer advice, the windows on the west elevation of the new dwelling have been reduced to one window in the living area and a small obscure glazed WC window located within the porch area.

6.19 With regard to the remaining amenity space, it is considered that an additional dwelling can be accommodated on the site and enough amenity space would remain for the enjoyment of residents of both properties.

6.20 Given the distance and the proposed boundary treatments between the two plots, it is considered that the proposed dwelling will not have an adverse impact on the current or future occupiers of Applegarth

Highway safety

6.21 In line with Neighbourhood Plan Policy BSA3, the proposal has been assessed in consultation with the Devon County Council Highways Officer who has also made

a site visit to assess the proposed access arrangement. Whilst the concerns relating to the safety of using the proposed access are acknowledged, it is considered that the proposed access off Littlefield would not present a significant highway safety issue. Littlefield is a cul-de-sac and the traffic is relatively light. There is a similar access to the west and garages to the east with a similar turning circle. There have been no person injury collisions reported in Littlefield or the surrounding area between 01/01/2015 and 31/12/2019, which are the most up to date figures. Visibility splays for the proposed access can be achieved albeit with some removal of the hedge.

6.22 As there is no requirement on this class of road for vehicles to have to be able to leave the access in a forward gear, the proposed arrangement with two parking spaces available is an acceptable one. Arrangements for Applegarth are unaffected.

Heritage Impact

6.23 The application site is outside of the Bishopsteignton Conservation Area, however it features in the approach from the west. The Old Gatehouse is a grade II listed building to the west of the site and is a former lodge to Murley Grange. The approach to the Conservation Area features rubble stone wall and vegetation to the left with buff and red-brick semi-detached housing to the right.

6.24 It is proposed that the existing site boundary of rubble stone wall and planting on Forder Lane is to be retained as existing. As such, it is considered that there will be no change to the appearance of Forder Lane on the approach to the Conservation Area and there will be no experience of the new property in views of The Old Gatehouse.

Impact on ecology

6.25 The application site is within 10km of the Exe Estuary SPA and/ or Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/> .

6.26 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £876 per additional dwelling is required to offset in-combination recreation impacts on the SPA and/or SAC. A net gain of 1 dwelling is proposed, i.e. a total of £876 is required to be contributed.

6.27 To mitigate against impacts of the development on these habitats the applicant has elected to make an upfront Habitat Mitigation Contribution of £876. With this in place, the LPA, as Competent Authority, is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

Drainage

6.28 The applicant has agreed with South West Water that the surface water is to be connected to the existing dedicated surface water sewer 50m west of the site, with no further attenuation required.

Sustainability / Carbon Reduction

6.29 Due regard must be given to Local Plan policies S7 and EN3 when determining planning applications. The submission documents state that consideration has been given to minimising energy consumption as part of the design proposal; exploiting passive energy principles with continuous insulation and balanced ventilation. The proposed windows have been optimised to help control heat loss/gain and the large glazing to the south elevation will exploit solar gains in the winter. The use of a low Solar Heat Gain Coefficient window and extruded frame will provide additional shading for the west elevation, where summer sun could do the most harm.

6.30 It is proposed that a solar panel system will be installed and used as a source of renewable energy to power the home.

6.31 It is proposed that the new dwelling will have a highly insulated building fabric. Windows will use triple glazed units with low E coatings and argon filled cavities, achieving excellent U-values.

6.32 The requirement for space heating is minimised by high levels of insulation and robust detailing to minimise air leakage.

6.33 It is therefore considered that Policies S7 and EM3 have been given consideration in the design of the building and materials proposed.

Other matters (including issues raised in representations and consultations that have not already been covered above)

6.34 Existing Covenants: Any restrictive covenants attached to the site will have to be dealt with by the applicant. It is important to note that restrictive covenants aren't considered during applications for planning permission and a planning permission does not overrule a restrictive covenant.

6.35 Boundary treatment between Applegarth and the new dwelling: All existing site boundaries are to be retained except for the new access on to Littlefield. The applicant has confirmed that it is not the intention to extend the proposed parking areas into the patio area for Applegarth that currently exists. The proposed parking area is to be 300mm lower than the existing patio level at Applegarth, as noted on the proposed site plan (PR01), due to the gradient of Littlefield and access required. A fence or vegetation is proposed to further separate the two spaces and screen the cars from sight of the Applegarth terrace, with planters proposed to the front of both areas. Timber fencing will be erected between Applegarth and the new dwelling, and a new rendered retaining wall to be built above the existing rubble stone.

6.36 Land Stability: The construction of the dwelling will have to comply with current Building Regulations and in light of the scale and nature of the site and proposal, this is not considered to be a planning matter.

Conclusion

6.37 The application seeks full planning permission for the subdivision of the existing plot at Applegarth and the construction of a new dwelling with associated access and parking area off Littlefield.

6.38 The application has been assessed against the relevant planning policy context and is considered to be acceptable subject to conditions. Whilst the introduction of a new dwelling at this location on Littlefield will change the outlook for some existing residents, due to the positioning of the house within the existing site levels and the design of the building, it is considered that the site can accommodate the additional massing without having an adverse impact on the character of the local area and residential amenity.

7. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S7 Carbon Emission Targets
S21 Villages
S21A Settlement Limits
S23 Neighbourhood Plans
EN3 Carbon Reduction Plans
EN5 Heritage Assets
EN8 Biodiversity Protection and Enhancement
EN9 Important Habitats and Features
EN11 Legally Protected and Priority Species
Bishopsteignton Neighbourhood Plan
National Planning Policy Framework
National Planning Practice Guidance

8. CONSULTEES

Devon County Council Highways

Received 10 December 2020

Devon County Council Highways recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

A further discussion was then had with the Devon County Council Officer specifically regarding the proposed access. A summary of the conversation was then provided on 15 January 2021:

I managed to visit the site yesterday following your email.

In my opinion, the proposed access would not present a significant Highway safety issue. Littlefield is a cul-de-sac and the traffic is relatively light. There is a similar access to the west and some garages to the east. According to our records there have been no person injury collisions reported in Littlefield or the surrounding area between 01/01/2015 and 31/12/2019, which are our most up to date figures.

I note in your email that you are happy that the visibility can be achieved, albeit with some removal of the hedge. There is no requirement on this class of road for vehicles to have to be able to egress the access in a forward gear, so this proposed arrangement is an acceptable one.

Teignbridge Drainage Officer

Received 25 January 2021

With Bishopsteignton there is very little ability to use soakaways as a method of disposal of surface water from the site (when used they also can re-emerge in adjacent areas), and as you say there appears to be limited ability to provide a soakaway.

As they are increasing the impermeable area of the site they will need to provide either an appropriately sized soakway which is not viable given the scale of the development or a attenuated discharge to a public sewer, this will require SWW to determine if this is possible and at what rate which will then determine the level of attenuation again will have an impact on the scale of development. The only public sewer in the vicinity is the combined sewer which SWW will want to control flows to.

Rather than condition, given the constraints above, the applicant should provide a viable means of disposal of surface water from the site as this is likely to have an impact on the scale of development which is possible.

9. REPRESENTATIONS

During the determination period 36 letters of objections and 2 letters with neutral comments were received. The key matters identified in the comments are as follows:

- Lack of off-street parking proposed;
- Lack of parking in the area;
- Overdevelopment of the site;
- Loss of garden space;
- Lack of amenity and green space for two dwellings;
- Impact on biodiversity;
- Design is out of character;
- Safety of proposed access;
- Overshadowing and loss of natural light;
- Land stability of the site; and
- Restrictive covenant.

10. TOWN / PARISH COUNCIL'S COMMENTS

Bishopsteignton Parish Council

Received 12 January 2021

Bishopsteignton Parish Council object to the proposal in this application.

The elevated site at the narrow junction of Littlefield and Forder Lane is considered unsuitable for development, particularly of such a dominant building.

The following are serious concerns:

Contravenes the environmental, social and economic requirements of sustainable developments by way of road safety and congestion, health and safety effects of noise, smell, dust, light, vibration, fumes and other forms of pollution and nuisance arising from associated traffic both during construction and once occupied.

The impact on the residential amenity of existing dwellings, particularly privacy, outlook and natural light; there would be a significant loss of privacy to existing properties due to the height of the proposed windows and balcony looking into the second floor of neighbouring properties.

Impact on the character, appearance and street scene; the proposed development is not in keeping with character on neighbouring properties.

Impact on the biodiversity and geodiversity.

Inadequate provision of parking for a 3 bed property and no provision for the manoeuvring of vehicles within the curtilage of the development.

The proposed building by reason of its design, scale and materials would be dominant in its elevated position and adversely affect the character and appearance of original properties.

The proposed site by reason of its restricted size is incapable of accommodating the proposed dwelling without adversely affecting the amenities of the occupants of adjoining properties.

The use of the access onto the public highway (Littlefield) resulting from the development would, by reason of limited visibility from and of vehicles using the access, be likely to result in additional danger to all users of the road including pedestrians using limited footpaths.

Similarly, access into Littlefield from Forder Lane, and vice versa, would be made even more difficult than it already is, particularly for emergency and commercial vehicles.

Due to the confined nature of the highway serving the site a safe means of access cannot be provided. It would lead to reversing movements on the highway close to the junction with Forder Lane. Ultimately the proposed development would have a severe residual and cumulative impact on highway and pedestrian safety.

During the construction phase of the proposed development excavation at this site, close boundaries where longstanding trees and hedges have now been felled and the proximity to the boundary wall of Forder Lane and existing garages, could be detrimental due to the topography surrounding the site. This may be detrimental to the structure of the highway requiring closure and reconfiguration causing much disturbance to residents on Littlefield and Forder Lane and through traffic on Forder Lane.

For the reasoning above it is strongly suggested a topographical survey be requested.

Additionally, it is strongly suggested that a more in-depth response from Devon County Council Highways be sought; that follows a site visit from officers to assess the significance of the potential impact and reduced visibility to road users, pedestrians and cyclists.

The existence of certain covenants on the land should be brought to your attention.

The Parish Council are particularly mindful that the importance and aims of the TDC planning criteria such as design guidelines and local plan policy are not being considered full by the applicant.

11. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 109.14m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0m². The CIL liability for this development is £30,413.07. This is based on 109.14 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

12. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

13. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

