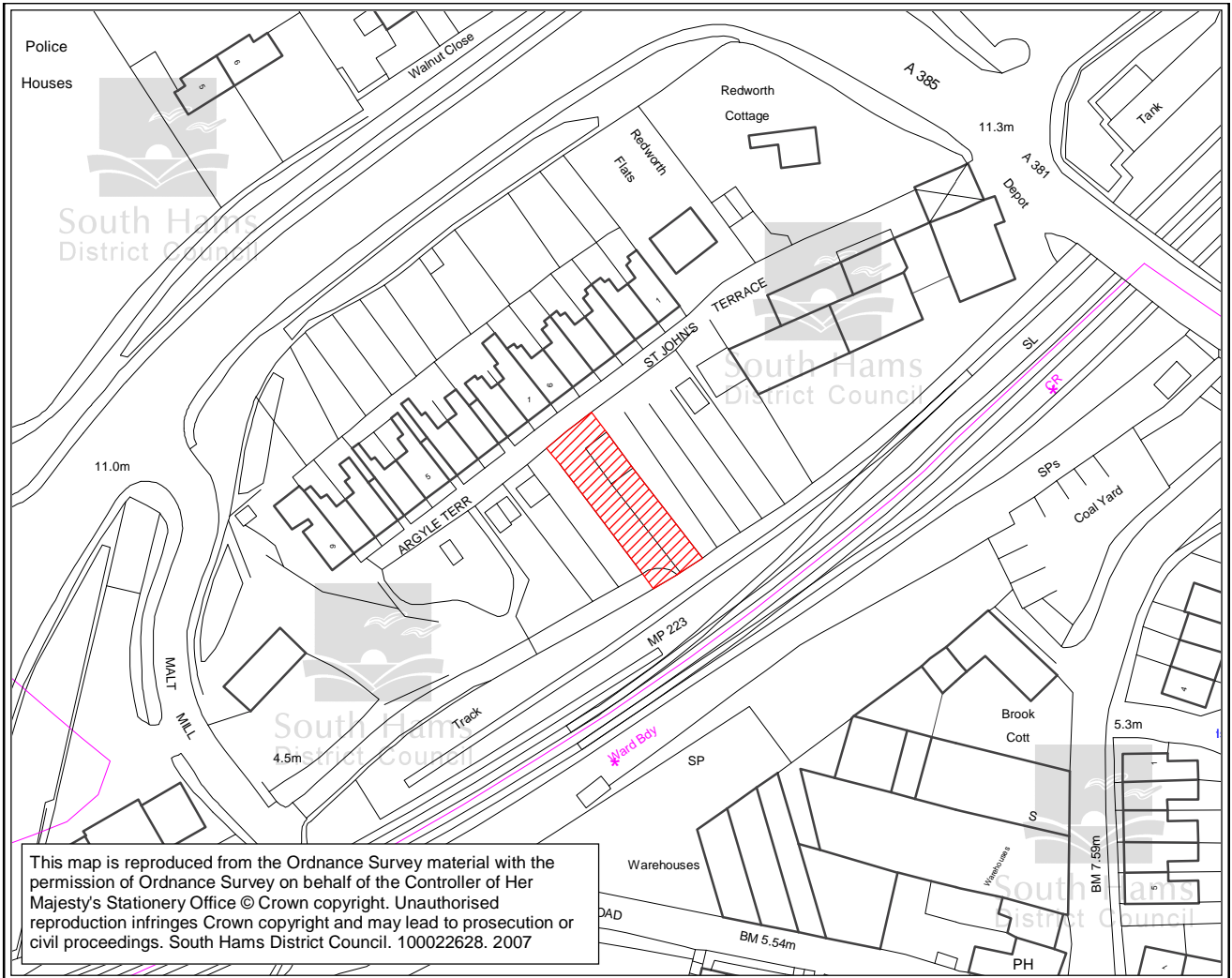


Case Officer: D Kinsella
Site: Land opp 1 Argyle Terrace and 6 St Johns Terrace, Totnes
Application No: 56/2418/07/F
Date Received: 14th November 2007
Agent: Mr B Fereday, 28C South Street, Totnes, Devon, TQ9 5DZ
Applicant: Mr B J Fereday
Development: Resubmission of application 56/0656/07/F for the erection of a pair of one bedroomed dwellings



Scale 1:1250
For internal reference only – no further copies to be made

Policies

Development Boundary
Affecting Setting of Conservation Area

Consultations

Devon County Council – County Highways Authority

No objection subject to no works commencing on site until the new access road is in use.

South West Water

No objection subject to the foul drainage only being connected to the public foul and combined sewer.

Environment Agency

No comment

Environment Health Section

No objections

Town Council

Totnes Town Council makes the following observation:

Objection – Highway Safety

Letters of representation can be viewed on the website.

Case Officers Report

The Proposal and Site Description

The site is situated within the development boundary of Totnes. Located next to the railway the site currently forms part of the front garden area to the properties in St. Johns Terrace and Argyle Terrace. These front garden areas are physically separated from the dwellings by the highway running between them. The site slopes from north to south with close-boarded fencing to the west and the east. To the north of the site there is an existing garage opposite 6 St. Johns Terrace. To the north, the existing properties are all two storey. The Conservation Area runs to the south east of the site on the other side of the railway, with the gardens falling within the 50m buffer zone.

The application is for the erection of two one-bed dwellings. The buildings will be split-level with the north end of the site being single storey with the rear being two storey as the topography of the site changes. The proposal is 7.5m back from the front of the site.

Representations

Three letters/emails of objection have been received objections include:

Adverse impact upon safety to public;

Loss of gardens;

Road serving the site is considered narrow, limited turning area and parking facilities would be adversely affected by proposal;

Impinge upon views from surrounding dwellings;

Poor design;

Loss of trees, sounds and sight screening;

Potential impact on the highway from the Redworth Court development;
Disruption to neighbouring gardens;
Junction with Highway is dangerous;
Impact upon character of the area;
Policy concerns;
Overlooking of rear gardens;
Precedent;
Better access could be obtained via Malt Mill to lower part of site; and
through careful consideration the street could be improved by redevelopment of the
gardens as a whole allow for up to 12, two bed dwellings.

Planning History

56/1253/80/3	Garage. Approval – 9 September 1980.
56/0338/06/F	Extension to rear of dwelling and garage extension to provide studio room. Conditional Approval – 24 March 2006.
56/2448/06/F	Resubmission of application 56/1978/06/F for the erection of dwelling. Conditional Approval – 26 February 2007
56/0656/07/F	Erection of pair of semi-detached houses. Withdrawn due to concerns over design of dwellings.

Policy Context

LDF –Core Strategy, Adopted December 2006

CS1 – Location of Development – permits in principle development within development boundaries.

CS7 – Design – requires development proposals to include and promote good design that respects local distinctiveness, respects the character of the site and its surroundings in order to protect and enhance the built and natural environments.

CS9 : Landscape and Historic Environment – states that the quality, character, diversity and local distinctiveness of the natural and historic environment will be conserved and enhanced.

Devon County Structure Plan 2001 to 2016

C06 – Quality of New Development recognises the need to conserve and enhance the urban environment of Devon, particularly when making provision for or considering development proposals.

Policy CO7 : Historic Settlements and Buildings – the quality of Devon’s historic environment should be conserved and enhanced.

South Hams Local Plan 1989 - 2001

Policy SHDC1 : Development Boundaries – permits development where it is compatible with the character of the site and its surroundings and where there would be no significant adverse effects in relation to traffic and parking, road safety, drainage, the landscape, wildlife and historic interests or local amenity. Design, Local Character and landscape setting are particularly important considerations as is impact upon neighbouring properties.

SHDC15 – Design requires new development to display good design practice and attain the highest possible standard of design.

SHDC18 – Conservation Areas requires that the Council consider the impact on conservation areas as material in reaching its decision.

South Hams Local Plan Review 1995 - 2011

DS3 – Development Boundaries – permits development in principle within development boundaries, provided such development is compatible with the character of the site and its surroundings, and where there would be no significant adverse effects in relation to, amongst other issues, traffic and parking, road safety, the landscape and local amenity. Local character and landscaping setting are particularly important considerations in landscape policy areas, such as Conservation Areas.

DEV2 – Design requires development to have due care to key features and characteristics of an area, maintain or create a sense of place and should have demonstrated attention to detail regarding key features.

ENV10 – Conservation Area requires that the Council consider the impact on conservation areas as material in reaching its decision.

Analysis

This application has been submitted following the withdrawal of a previous application for the erection of two dwellings. Officers raised concerns about that proposal because the design of the scheme appeared incongruous with the surrounding dwellings. The previous scheme included a pitched roof with a ridge running from north to south. This was designed to allow the existing dwellings to retain views towards the castle and Conservation Area. The southern aspect was also three storey, which created a dominant feature when viewing the site from the rear.

The revised scheme has incorporated a pitch roof that runs parallel to the highway. The overall height has been reduced by approximately 1 metre creating a single storey appearance to the dwelling facing the existing properties. The rear elevation has also been reduced in size to create a two-storey dwelling. Overall the scheme has reduced its impact upon properties.

Concerns have been raised over the impact the proposal will have upon highway safety and the use of the junction under an existing passageway. Redworth Cottage, which is situated to the north east of the site, was granted permission for Demolition of existing buildings and erection of four houses and three flats including new access road. The new access runs to the north of the existing passageway. The passageway is to be made in to a pedestrian

walkway with Ballard's preventing any vehicles access the terrace. Devon County Council Highways Authority considers the new access to be acceptable however, the access is not yet in use and therefore it is appropriate to impose a condition restricting any development from taking place until this access is in use.

The development will take away the garden areas to 6 St John Terrace and 1 Argyle Terrace, only leaving the existing gardens behind the properties. These garden areas are approximately 18m long and 9m wide. This provides adequate outdoor space for the occupiers without compromising amenity space.

The development will have views over the neighbouring gardens from the rear elevation. The basement floor level will have minimal impact upon the privacy to neighbouring gardens given the boundary fencing. The ground floor serving a lounge will have a degree of overlooking however, given the levels of the dwelling it is considered that the relationship between the sites is acceptable.

The proposed dwellings have windows on the rear elevation that have a degree of overlooking towards neighbours' gardens. However, the existing dwellings already overlook these areas although from the other side of the highway.

The character of the area includes the properties being to the north with large gardens running down to the railway line. Many of the properties have placed garage/workshops to the front of the gardens. Residents feel that this characteristic is important to the area and its loss would be to the detriment of the area. However, PPS3 'Housing' seeks to make the best use of land subject to the design and layout of the scheme. Residents feel the scheme does not conform with PPS3 for the reasons stated within the letters of representation.

The design of the dwellings has been altered and now takes the form of a subordinate building when viewed in context with the existing dwellings. The overall length of the dwelling is shorter than the extension to the existing garage, which was given approval in 2006 and from the side elevation the massing, has been reduced compared to the previous scheme. The simply appearance aids the development to sit comfortably within the landscape.

The impact upon the Conservation Area has been assessed by the Conservation Officer. The site falls just inside of the buffer zone and given the sites secluded location views towards the Conservation Area are limited. Viewing the site from within the Conservation Area, views are also limited and therefore its impact will also be limited.

Residents are concerned that should the application be permitted this would lead to a precedent being set for further development within the terrace. Each application is considered on its merits. There has been an approval within the garden opposite 1 St Johns Terrace and while this is a material consideration minimal weight has been given to the decision in coming to the recommendation for the current application. Each site has its own characteristics and the differences between the two sites are such that the consideration are very different. Firstly 1 St Johns Terrace adjoins existing industrial buildings which screens the site and also helps to integrate the building into the area given the existing development. The plot was wider than the current proposal and the size of the development was different.

The applicant has stated that trees or hedges will be removed during the construction. To ensure an acceptable level of landscaping is retained and additional planting takes place where appropriate a landscaping will be imposed.

Matters regarding loss of views and the disruption or damage to neighbouring gardens are not planning consideration and should such issues arise this would be a civil matter between the two parties.

Issues regarding the redevelopment of the street as a whole are not considerations for this application, which has been considered on its own merits.

Conclusion

The site falls within the development boundary of Totnes. As a result the principle of development complies with the requirements set out in SHDC1 'Development Boundaries'.

Local residents feel that the development would adversely affect the character and appearance of the site and would lead to highway safety issues. Devon County Highways Authority has raised no objection to the proposal subject to no works commencing prior to the new access being opened.

Overall the scheme has been reduced and altered from the previous submission which included an obtrusive building, which sat uncomfortably within terrace. The revised scheme now recognises the need to be subordinate to the existing dwellings and provides additional dwellings within the town.

On balance the scheme is considered acceptable, subject to conditions on commencement of works and materials.

Human Rights Act

The development has been assessed against the provisions of the Humans Right Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. 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 objections raised by Parish Council and third parties. In arriving at this recommendation due regard has been given to the Act.

Recommendation

Conditional Approval

Conditions

- 1 - TIM3 (Standard three year time limit)
- 2 - MAT8 (Roofing Natural Slate)
- 3 - MAT11 (Eaves & Verges)
- 4 - Non Standard
Brick Sample
- 5 - MAT23 (Timber, Doors and Windows Reserve)
- 6 - MAT22 (Joinery Details)
- 7 - RES30 (Windows)
- 8 - RES22 (Exclusion of G.D.O.)
- 9 - Non Standard
Parking

10 - Non Standard
Highways
11 - Non Standard
Noise Assessment
12 – Non Standard
Surface water disposal
13 – Non Standard
Landscaping

Reasons for Approval

- 1 This application has been determined in accordance with Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of planning applications which affect Conservation Areas which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. This application has been determined in accordance with approved Development Plan Policies; relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are Devon County Structure Plan CO6, CO7; South Hams Local Plan SHDC1, SHDC15, SHDC18; Local Plan Review DS3, DEV2, ENV10; LDF Core Strategy CS1 and CS7.

Informatives

This recommendation refers to drawing nos. SHDC1, SHDC2 and SHDC3 (includes site location plan) received on 14 November 2007.