

**REPORT OF THE MEETING OF THE FULL COMMITTEE SITE INSPECTION
HELD ON MONDAY, 27 APRIL 2009**

(37/0178/09/F) Retrospective application for amendments to planning approval 37/0560/08/F for demolition of existing dwelling and replacement with new three bedroom dwelling and associated landscaping – Riverhaven, Riverside Road East, Newton Ferrers PL8 1AE

Present: Cllr Cane
Cllr Carter
Cllr Cooper (local Member)
Cllr Coulson
Cllr May
Cllr Fielden (Chairman)
Cllr Hitchins
Cllr Rowe
Cllr Squire
Cllr Steer
Cllr Vint
Cllr Ward

Also in attendance and participating:

George Allpress – Planning Officer
Stephen Munday – Head of Planning and Building Control
Darryl White – Member Support Services Manager
Cllr Young – Newton & Noss Parish Council

1. Declarations of Interest

The Chairman welcomed all those in attendance and advised that he wished to declare a personal interest in this application. This interest was two-fold and firstly arose by virtue of him becoming aware of the applicant's employment association with the Cheltenham & Gloucester (for which he used to be the local agent). The second element of this interest was in relation to him sharing the same occupation (Chartered Surveyor) as an objector, Mr Studd. The Chairman advised that he had not met with either party at any time and had consulted with the Council's Deputy Monitoring Officer, who was in agreement that the interest was personal only. As a consequence, he intended to take part in the debate and vote on this matter.

Cllr D W May also declared a personal interest in this application by virtue of his previous involvement (when Chairman of the Ivybridge Youth Centre) with the developers for this site and also took part in the discussion and vote on this application.

2. The Proposals

In his introduction, the Head of Planning and Building Control (HPBC) made particular reference to:-

- (a) the retrospective amendments sought. With the aid of floor plans and sectional drawings, the HPBC illustrated the differences between what had already been approved and the proposed amendments to this application. It was noted that the amendments to the garage area had been proven necessary to allow for an adequate safety distance around the proposed turntable and to create a rationalisation of the supporting walls;
- (b) a reduction in the footprint. Members were advised that the extent of the reductions resulted in the building sitting into the rear of the site by an additional 400mm on the west side and 500mm on the east side. This had resulted in creating a slightly less deeper building, in comparison to that which had already obtained planning permission;
- (c) the frameworks and etchings which had been created to enable the Group to visualise the differences between the two applications;
- (d) the visual impact of the first floor balcony extension. The HPBC provided a photograph which had been taken from the opposite side of the River Yealm to enable the Group to visualise the impact of the glazing and the balcony in the local setting. To clarify, it was noted that the proposals sought for the balcony to be increased in size and stretched out by approximately 1.10 metres further than had been previously approved;
- (e) letters of representation received since the Development Control Committee meeting on 15 April 2009. The HPBC made reference to three additional letters received from the applicant (a copy of which had been received by all Members), the owners of 'Greenacre' (a neighbouring property) who expressed no objections to the proposals; and thirdly, a letter of objection from Mr Studd (attached at appendix A), who had also addressed the Committee at its last meeting, by virtue of the Public Participation Scheme.

In conclusion, whilst the concerns raised by the neighbouring residents and Newton and Noss Parish Council had been taken into account, officers felt that the proposed amendments were considered, on balance, to be acceptable and did not fundamentally change the overall good design and appearance of the previously approved replacement dwelling.

The Group then proceeded to view the application site from internal and external vantage points, including from the proposed balcony.

Members felt that, if so minded, they were able to view the application site from the opposite side of the River at any given opportunity and were therefore satisfied that they did not wish to view it from this vantage point during the inspection.

In urging the Group to recommend refusal of this application, the Parish Council (PC) representative in attendance advised that the PC felt that the revised proposals clearly constituted overlooking to the neighbouring dwellings. Moreover, the PC believed that the dimensions of the balcony should remain in accordance with the initially approved proposals. In respect of the garage area, the representative stated that it was feasible for it to contain up to 7 cars, which during the peak summer season would lead to major traffic implications along Riverside Road East.

The local Member echoed the comments of the PC representative and also made reference to her strong concerns in respect of the retrospective nature of the application.

In discussion, the following points were raised:-

- (i) It was the view of the HPBC that the size and capacity of a dwelling tended to limit the number of vehicles which would utilise the garage; and therefore the size of the garage alone would not generate additional traffic use. Nonetheless, some Members advised that they had grave concerns over the size of the garage and the local Member stated that despite raising no objections, the Highways Authority had not viewed the revised plans;
- (ii) In moving a recommendation that the application be refused, a Member made reference to the impact of the overlooking of the balcony and felt that it should be retained in accordance with the previously approved plans. The Member also expressed his surprise that the applicant did not realise that the works undertaken were larger than that which had been granted approval.

In total contrast, another Member reminded those present that a retrospective application was not illegal and she did not believe the proposed amendments to be so significant to cause any harm to justify a recommendation of refusal;

- (iii) In support of the application, a number of Members highlighted the extent of the glazing contained within the adjoining property and considered that the overlooking element was not so significantly increased by these proposals.

It was then by ten votes to two (with no abstentions):-

RECOMMENDED

That in respect of application number 37/0718/09/F, the application be conditionally approved.

Conditions

- 1 - TIM3 – Standard three year time limit
- 2 - Non Standard
- Natural Slate
- 3 - MAT10 – Roofing Ventilation Details
- 4 - MAT14 – Walls Render Details
- 5 - Non Standard
- Green Roof
- 6 - Non Standard
- Landscaping Details
- 7 - Non Standard
- Details of Doors & Windows
- 8 - Non Standard
- Parking & Vehicle Turntable
- 9 - Non Standard
- Delivery of Materials – Work Method Statement

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 C03, C06, C07 of the Devon County Structure Plan; Policies SHDC1, SHDC15, SHDC18, SHDC19, MP12 of the South Hams Local Plan and Policies CS7, CS9 of the Adopted Local Development Framework.
2. Special regard has been given to the representations received by the neighbouring residents and the Parish Council but these were not considered to be overriding because the proposed amendments are not considered to significantly change the overall design and appearance of the proposed dwellinghouse that was previously approved under planning reference no. 37/0560/08/F. Furthermore, any increase in overlooking and loss of privacy resulting from the proposed changes are not considered to be so significant as to warrant a reason for refusal.

In terms of the increased garage space the provision of the vehicle turntable within the garage is considered to directly restrict the number of cars that could be accommodated within this space.

Informatives

This recommendation refers to Site Location Plan no. AP.103 received on 5 February 2009 and amended drawing nos. AD.10, AD.11, AD.12, AD.13, AP02 Rev. K, AP.01 Rev. J, AP.03 Rev. I, AP.04 Rev. C and RW/SK.05 received on 25 March 2009.