

**Application Number**

P/2015/0939

**Site Address**

Wheatridge Lodge  
Wheatridge Lane  
Torquay  
Devon  
TQ2 6RA

**Case Officer**

Mr Scott Jones

**Ward**

Cockington With Chelston

**Description**

Detached double garage with workshop and storage above to rear of property (as revised by plans received 16.12.2015).

**Executive Summary / Key Outcomes**

The proposal seeks to provide a double garage with workshop/storage space above to the rear of a large dwelling off Wheatridge Lane, with an access created on to the residential development from Woodleys Meadow.

The proposal is considered a suitably scaled and designed building in the context of the plot and wider area, with limited visual harm.

The impact upon neighbour amenity from the provision of an ancillary domestic outbuilding to the rear of the plot is considered limited and the retained trees will limit loss of privacy and overlooking from the roof void windows and any occasional use of this area.

The access and highway matters are considered acceptable subject to detail on an improved visibility splay.

Impact upon surface water, trees and ecology are considered acceptable subject to conditions to secure appropriate development.

**Recommendation**

Conditional Approval.

**Determination period**

Extension agreed until 12.02.16 to permit revised plans to be submitted, advertised and considered.

**Site Details**

The site holds a large two-storey detached dwelling set off the east side of Wheatridge Lane, Torquay, where the building is currently accessed via a short level drive and steps down to the main entrance.

The dwelling is contained within the front half of the plot and to the rear there is generous private garden space that are largely laid to lawn interspersed with a handful of mature trees. Borders are defined by a mixture of fencing and hedging. There is a gentle slope in the garden level away from the property from west to east.

The rear border of the plot abuts a public right of way that links Wheatridge Lane with Woodleys Meadow. This links further east to Torbay Road where it emerges between South Sands and Corbyn Lodge.

There are no built or landscape designations over the land or land immediately adjacent.

### **Detailed Proposals**

Detached double garage with workshop/storage space set to the rear of the dwelling with a proposed new access on to Woodleys Meadow.

Following revised plans received 16.12.2015 the proposal is for a simple gabled building with rendered walls under a red concrete tiled roof inset with roof lights.

The principal outward elevation will hold two garage doors with a side window and there are further window or door openings within both the side elevations and the rear elevation.

The building is 8.5m wide by 7.2m deep with a height of 2.3m to the eaves and 6.3m to the top of the central ridge. The roof is pitched at 45 degrees.

There will be a degree of excavation to provide a level finish which will require a retaining wall circa 1m high to the rear of the building to contain the garden. A mature fir tree will be removed as it sits within the footprint of the proposed building.

The connecting drive and entrance is approximately 5m wide

The proposal is a simplified design to that originally submitted and the application has been re-advertised to permit public comment on the revised drawings.

### **Summary Of Consultation Responses**

*Highways Department* Recommend that the applicant make allowance for a 2m visibility splay exiting the new access, on the south-west side, for the safety of pedestrian movement.

*Drainage* The submitted Flood Risk Assessment outlines that soakaways have been discounted due to site constraints. The alternative surface water management proposal incorrectly states that the Critical Drainage Area

designation relates only to watercourses and incorrectly assumes a discharge rate of 5 l/s. Controlled discharge is acceptable however the stated discharge rate is unacceptable. The applicant should demonstrate that the surface water drainage system should not result in any increased risk of flooding for the 1 in 100 year storm event plus a 30% allowance for climate change.

*Arboricultural Officer* The vegetation on site is not protected by a Tree Preservation Order or Conservation Area designation. Mature and visually prominent the trees on the site do not qualify for protection, which informs that the trees are not a constraint to the development.

*Green Infrastructure Officer* Removal of vegetation suitable for bird nesting should be undertaken outside of the bird breeding season or immediately following due assessment by a suitably qualified ecologist. Enhancements for ecology should be achieved through bird and bat boxes, details of which could be achieved by condition.

### **Summary Of Representations**

A number of representations received following both periods of public consultation. The key issues raised include:

- Impact of additional highway movement through Woodleys Meadow
- Impact/conflict with pedestrians using the footpath
- Overdevelopment
- Visual impact
- Impact of additional parking in Woodleys Meadow
- Noise impact from the workshop
- Appears a building designed for residential use
- Impact of vehicles across the land adjacent
- Impact from business use of the building
- Loss of privacy from inter-looking

These representation have been sent electronically for Members consideration.

### **Relevant Planning History**

None.

### **Key Issues/Material Considerations**

With consideration of the proposal and the context the key issues and material considerations are;

1. Use of the outbuilding and principle
2. Visual impact
3. Impact upon adjacent occupiers / amenity
4. Highway / movement impact
5. Drainage / flood risk

6. Trees

7. Biodiversity and protected species

1. Use of the outbuilding and principle

The proposal is for a double garage with workshop and storage space in the curtilage of a dwelling.

A number of public representations raise concern in regard to potential business use of the workshop or potential use of the building as habitable space and the impact of these uses. The proposal is however one for garage parking with workshop / storage space above, which are considered incidental to the dwelling house and should be considered as such.

The provision of domestic garaging and ancillary workshop and storage space, for the purposes that are incidental to the occupation of the dwelling house, is considered to be appropriate form of development in the residential context. Incidental uses are those considered of minor, casual or subordinate nature to the occupation of the main dwelling house and hence by their very nature are likely to sit comfortably in the residential context with little impact.

In order to provide clarity on the use and ensure an appropriate form of development it is recommended that a condition of use be attached to a grant of permission to ensure the building is used for the purposes that are incidental to the occupation of the main dwelling house and is at no time used for business or independent habitable purposes.

In-line with the points above the principle of the proposed building and its use is considered to comply with relevant criteria of Policy DE1 and DE3 of the Torbay Local Plan 2012-2030.

2. Visual impact

The proposal is considered acceptable in regard to the likely visual impact.

In terms of scale, the building will clearly sit as a subordinate garage outbuilding set in the relatively spacious grounds of a large dwelling. The building will not cramp or overdevelop the plot as substantial garden space will be retained and the overriding open and spacious character protected.

In terms of the design, the simple gabled form reflects the local character, as well as the palette of materials which is a simple mix of render under concrete tiles. There are a number of detached double garages within the Woodleys Meadow development and a number of these are gabled detached buildings. The predominant scale of the garages within Woodleys Meadow is slightly smaller than the scale of the proposal, as they are generally around 6m by 6m, however the plots in which they sit are themselves smaller. The larger scale of the proposed garage to those found within Woodleys Meadow is considered

appropriate considering the scale of the plot in which it will sit and also its slight detachment from the modern development due to its location. The steep 45 degree pitch is similar to the garage structures that are present in and around the approach through Woodleys Meadow.

The alteration to the boundary to permit access to the garage is unlikely to alter the character or appearance of the area. It is noted that there appears a vehicular access already established to the south of the head of the public right of way off the rear of the plot of St Regulus which also fronts Wheatridge Lane. It is recommended that the detail of the boundary access is achieved by condition to ensure an appropriate form of development that protects visual amenity.

Having considered matters of scale, design and setting the proposal is appropriate within the context and retains the domestic open character and appearance of the area. The proposal is considered to comply with the aims and objectives of Policy DE1 of the Torbay Local Plan 2012-2030.

### 3. Amenity impact

The proposal is considered acceptable on amenity grounds.

The provision of domestic garaging with secondary workshop/storage space above, which is incidental to the occupation of the associated dwelling, is unlikely to demonstrably affect neighbour amenity in terms of noise and general activity. By their very nature the uses proposed are in character with a residential context.

The scale and height of building would not result in an overbearing structure that would result in undue loss of outlook or light.

In terms of overlooking and loss of privacy the upper floor void space is to be served by four roof lights and with windows within each side gable. The impact of these will be discussed in turn below, within the context that occasional incidental use of the roof space is likely to limit the degree of potential impact.

The north-east gable window is in close proximity to the boundary and should be obscured to protect amenity. The south-west gable window is not considered to introduce undue harm on amenity due to the distance to other plots and buildings. The south-east roof lights that face towards Woodleys Meadow are considered to retain suitable levels of privacy subject to the retention of tree screening. The north-west elevation is slightly orientated towards the boundary with an adjacent property however again there is retained screening that will limit over-looking.

Subject to a condition on obscure glazing within the north-east gable, and the retention of the trees indicted or the provision of obscure glazing within the relative roof lights, the building and its use would not result in undue harm on neighbour amenity.

The development is considered to retain suitable levels of amenity subject to condition and complies with Policy DE3 of the Torbay Local Plan 2012-2030.

#### 4. Highway and movement impact

The proposal is considered acceptable on highway and movement grounds.

The proposal provides ancillary parking to the dwelling and a new access across a public right of way on to the highway network within Woodleys Meadow.

The proposed garage parking accords with policy guidance in terms of the minimum depth and width of the enclosed spaces provided. In combination it will provide parking on site above the standard expected requirement for dwellings (2 spaces), however the dwelling and plot is relatively large and the resultant provision is not considered uncharacteristic for a large dwelling.

The proposal will result in a vehicular access across a public right of way. Subject to detail on an access solution that includes the provision of a visibility splay it is unlikely to increase the danger to pedestrians and other highway users. This is aligned with advice from the Highway Department. It is noted that there is a rear vehicular access off a nearby property on the other side of the head of the pedestrian route.

The level of parking and the proposed access is considered acceptable (subject to further information about the visibility splay) and the proposal is considered compliant with Policies TA2 and TA3 Torbay Local Plan 2012-2030.

#### 5. Drainage

The proposal is considered acceptable on drainage grounds subject to a condition.

The proposal suggests surface water connection to the public sewer. This is considered acceptable where soakaways are shown to be unachievable, and then it should be at a controlled rate of discharge in-line with appropriate Greenfield run-off rates.

The response of the Authority's Drainage Department supports the conclusion above and greater detail is required on the attenuated and controlled discharge of surface waters.

Subject to condition aligned with the above the proposal is considered aligned with the aims and objectives of Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

#### 6. Trees

The proposal is considered acceptable on arboricultural merit.

There are no protected trees within the site and the site does not lie within a conservation area.

The removal of the fir tree has been considered by the Council's arboricultural officer and although visually prominent it is not considered worthy of protection and is hence is not a constraint to development.

There are retained trees in close proximity to the proposed building and hence it is considered appropriate to seek further detail on proposed protection measures during the construction period. This should be achieved through condition, certainly as they afford amenity screening.

With a condition relating to the above the proposal is considered acceptable in accordance with Policy C4 of the Torbay Local Plan 2012-2030.

#### 7. Biodiversity and protected species

The proposal is considered acceptable in terms of biodiversity and protected species.

The removal of the fir tree or scrub that may hold nesting value should be undertaken outside of the bird nesting season (March -September inclusive), unless previously inspected and found absent of nests by a suitably qualified ecologist. This should be a condition of a grant of consent.

Mitigation in terms of bird and bat boxes should be provided to counter the loss of the large tree as a potential nest or roost location. Details of mitigation should be considered by a condition to the grant of consent.

With the matters above addressed the proposal is considered comfortably aligned with the aims and objectives of Policy NC1 of the Torbay Local Plan 2012-2030.

#### S106/CIL

N/A.

#### Conclusions

Having considered the aims and objectives of relevant planning policy guidance and other material considerations the proposal is considered acceptable on planning merit.

The application is recommended for approval subject to conditions on use, management of surface water drainage, tree protection measures and nesting/roosting mitigation, obscure glazing and retained natural screening, and boundary and visibility splay detail.

### **Condition(s)/Reason(s)**

01. The ground floor of the building hereby approved shall be used solely for the purposes of the parking of vehicles incidental to the occupation of the main dwelling house, and the upper void space shall only be used for uses incidental to the occupation of the dwelling house. At no time shall the building be used for business or habitable purposes.

02. Prior to the commencement of development details of a proposed surface water management system for attenuation and controlled discharge in to the Public Sewer shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

03. Details of the proposed boundary and entrance detail, which shall include a visibility splay detail to improve sightlines to the west when exiting the site, shall be submitted and approved in writing. The development shall be carried out in accordance with the approved details.

04. The removal of scrub or trees, which have a potential as habitat for nesting birds, shall be undertaken outside of the bird nesting season (March-September inclusive). The removal of such habitat within the bird nesting season shall only be considered immediately following a survey by a suitably qualified ecologist that confirms the absence of nesting birds. Prior to the first use of the building details of proposed bird and bat boxes, to include their location, shall be submitted and approved in writing in order to ensure suitable ecological mitigation / enhancement.

05. The external material finish shall match, in form and colour, those of similar elements found within the main dwelling house.

06. The gable window within the north-east elevation shall be obscure glazed. Should the screening trees north or east of the building be removed, die, or be managed in a way that alters their character and value as a screen that limits inter-visibility, obscure glazing shall be provided within the roof-lights within the corresponding roof slope.

### **Informative(s)**

01. Prior to the commencement of development the applicant is advised to consider the right of vehicular access over the land that lies immediately adjacent to the plot and the public highway to the east.

### **Relevant Policies**

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