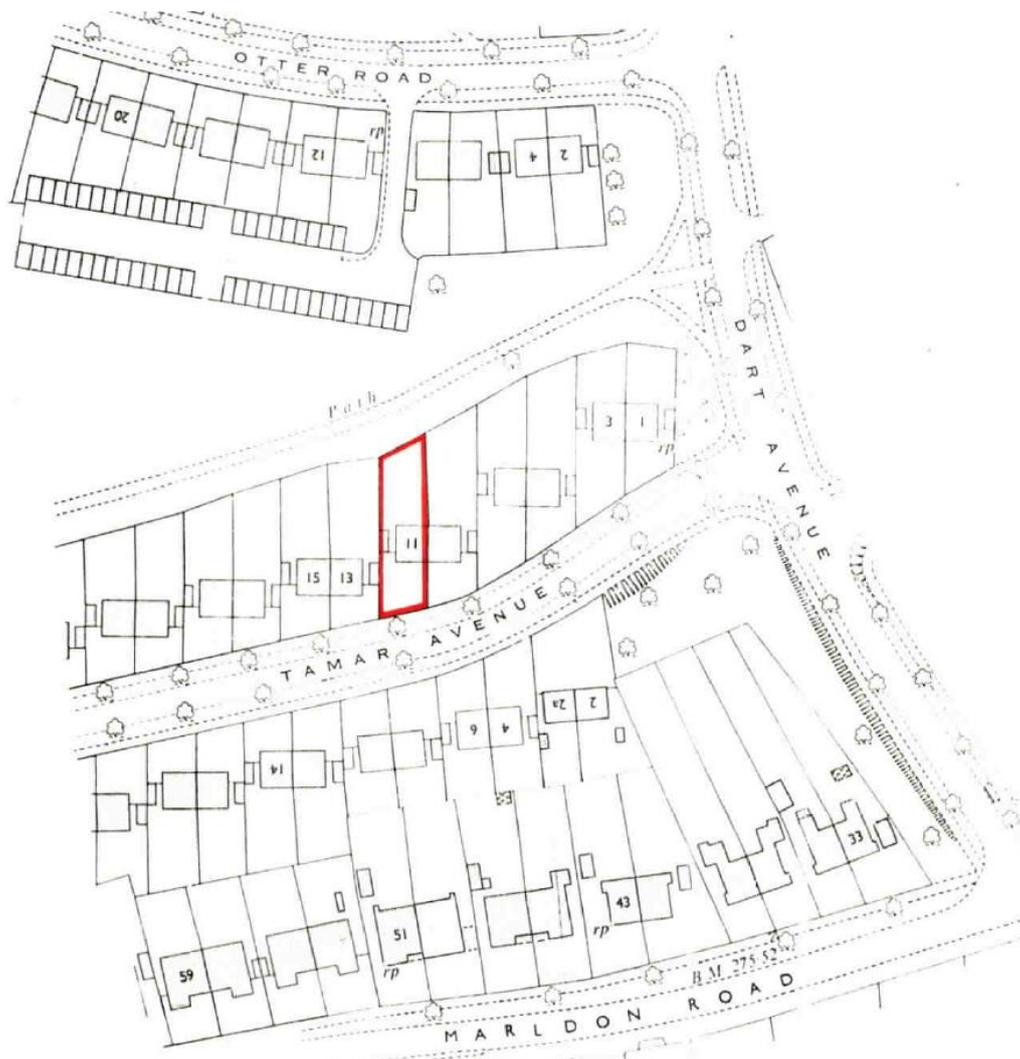




Application Site Address	11 Tamar Avenue Torquay TQ2 7LW
Proposal	First floor side extension
Application Number	P/2019/0598
Applicant	Mr & Mrs Drake
Agent	MRM Design Studio
Date Application Valid	12/06/2019
Decision Due date	07/08/2019
Extension of Time Date	13/09/2019
Recommendation	That planning permission is refused.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee following a request from the ward councillor.
Planning Case Officer	Craig Davies



Site Details

The site comprises a double-storey, semi-detached, residential dwelling and its curtilage area, set in a residential street.

Description of Development

This planning application proposes a first-floor side extension to the western elevation of the host dwelling (i.e. above the existing ground floor side extension). The proposed extension would have a hipped roof and would be finished with materials matching those of the host dwelling.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Torbay Local Plan 2012-2030 ("The Local Plan")
- The Torquay Neighbourhood Plan

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Relevant Planning History

P/2019/0069 – Single storey rear extension. Approved 06/03/2019.

P/2018/0914 - 2 storey extension to side. Single storey extension to rear with raised terrace. Refused 14/12/2018.

Reason: "Tamar Avenue is characterised by semi-detached pairs of dwellings that present a consistent rhythm of development. The proposed first floor extension would reduce the existing gap between the host dwelling and the neighbouring semi-detached pair, and would contribute to the erosion of the area's spacious character, and the development of a terracing effect within the streetscene. As such, it is considered that the proposal would result in unacceptable harm to the character of the area, contrary to Policies DE1 and DE5 of the Torbay Local Plan 2012-2030."

P/2015/0895 – Proposed conversion of existing garage into playroom. Approved 17/11/2015.

DE/2014/0448 – Pre-application advice for a first floor extension over existing garage. (01/12/2014.)

“In my opinion if a planning application was to be submitted for the proposed two storey extension above the existing garage it would be unlikely to gain officer support. I would raise a concern with the impact the proposal would have on the neighbour amenity of the adjacent property; 13 Tamar Avenue. Due to the stepped building line of the properties in this location the garage is situated adjacent to Number 13’s rear building line and garden area. I am therefore of the opinion that a two storey extension in this location would form an overbearing and overdominant addition and would impact upon the light levels to a degree that would significantly, negatively impact upon neighbouring amenity. I would also note that the character of Tamar Avenue is that of semi-detached residential properties with single storey side extensions and garages with noticeable gaps between the properties. These gaps lead to a spacious and open characteristic and I feel that the addition of a two storey side element would result in a loss of the gap between the properties and an erosion of this overall character leading to the potential of a terracing effect.”

Summary of Representations

The application was publicised through a site notice and notification letters sent to the adjoining neighbours. Two letters of support were received from the occupants of the neighbouring properties to the east and west (No.9 and No.13 Tamar Avenue).

Summary of Consultation Responses

Torquay Neighbourhood Plan Forum:

The Torquay Neighbourhood Plan Forum indicated support for the application for the following reasons:

- Provides additional living space.
- Amounts to a sensitive extension in keeping with the area.
- Makes use of brownfield development and is compliant with Policy TS4 of the Neighbourhood Plan.
- Would be of a modest scale, would be below the existing roof level, and would be in accordance with Policy TH8 of the Neighbourhood Plan.
- Given the staggered layout of the dwellings, the proposal would not adversely impact on the streetscene through terracing.
- Provides sufficient parking for the extra bedroom so is compliant with Policy TH9 of the Neighbourhood Plan.
- There is plenty of outside space for the size of the property.
- Immediate neighbours have no objection to the application.
- Does not materially reduce the amenity value of its neighbours so is compliant with Policy DE3 of the Local Plan.
- Amounts to a reasonable and acceptable evolution to an established property.

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highways
5. Ecology and Biodiversity

6. Flood Risk and Drainage
7. Other Considerations

Planning Officer Assessment

1. Principle of Development

The proposal is for an extension to a dwelling house. There are no Development Plan policies indicating that the proposal is not acceptable in principle.

2. Impact on Visual Amenity

Paragraph 124 of the National Planning Policy Framework (NPPF) states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy DE5 of the Local Plan states that extensions to domestic dwellings should not dominate or have other adverse effects on the character or appearance of the original dwelling or any neighbouring dwellings or on the streetscene in general. Policy TH8 of the Neighbourhood Plan states that developments should be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

The application site is a semi-detached property which is part of a matching semi with No.9 Tamar Avenue. The street is characterised by other pairs of semi-detached properties with single-storey side extensions or garages. This provides clear gaps within the street which help to maintain a somewhat spacious and open character. The proposed first-floor side extension would result in a loss of the gap between the neighbouring semi-detached pairs and the erosion of this established character, and would result in a terracing effect within the streetscene.

The planning history of this street indicates that no first floor side extensions have been approved other than for number 38 which, due to its angled layout in relation to the neighbouring property, has a different context within the streetscene. The applicant's submission includes references to first floor side extensions which have been approved nearby at 36 Dart Avenue, 40 Torridge Avenue, and 2 Otter Road. It is important to note however that each of these sites presents a different context from that of the application site with mitigating factors that reduce the potential for a terracing effect: 36 Dart Avenue is sited on a street with a sloping topography that results in a visual distinction between the pairs of semis due to the differences in levels; 40 Torridge Avenue has a single-storey dwelling adjacent to the first-floor extension; 2 Otter Road has vacant land adjacent to the first-floor extension. Given that 11 Tamar Avenue is sited on a street with more of a level topography and with a consistent pattern of pairs of semi-detached dwellings, there would be a more pronounced terracing effect than the sites referred to by the applicant.

It is noted that the proposed extension would be larger than the previously refused scheme. The proposal would be less subservient to the host dwelling, coming

approximately 2.4m further forward and extending approximately 0.85m higher at the ridge. It is considered that the proposal would result in an unbalancing effect in relation to the semi-detached pair, and a terracing effect within a streetscene characterised by a clear rhythm of development characterised by distinct and separate semi-detached pairs of dwellings.

The proposal is therefore considered to be harmful to the character of the area and inconsistent with Policies DE1 and DE5 of the Local Plan, Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

Given its siting, scale, and design, it is considered that the proposal would result in unacceptable harm to the amenities of the occupants of 13 Tamar Avenue. The proposed extension, which would extend the first floor of the host dwelling across the full width of the plot, would bring 2-storey development in close proximity to the shared boundary with No.13 and, due to the staggered positioning of the dwellings on their respective plots, would project around 7m beyond the rear elevation of the neighbour's property. It is considered that this would result in an overbearing impact and a loss of light for the rear patio and rear garden area of the neighbour's property.

It should be noted that the proposed extension is similar to a previous scheme for the site that was refused in December 2018, except that the proposed extension has an increased scale with a greater depth compared to that which was previously refused. The 2018 scheme, for which the impact on amenity was considered to be acceptable, was set back by 3.05m from the front elevation of the host dwelling, resulting in a clear gap at first floor level adjacent to the rear elevation and patio area of No.13. The current proposal is for an extension that would only be set back by approximately 0.65m from the front elevation of the host dwelling, resulting in a continuous projection at first floor level (with a height of more than 5m to the eaves) extending from the rear elevation of No.13 for a length of around 7m adjacent to the shared boundary. It is considered that this would contribute to an overbearing sense of enclosure where currently there is none.

While it is noted that the current occupants of 13 Tamar Avenue have submitted a letter of support, it is important to note that the intent of Policy DE3 is to preserve amenity standards in the general sense so as to ensure a high quality residential environment on an ongoing basis.

Given that the western elevation of the proposed extension includes a first floor window sited directly on the boundary, the proposal in its current form would also have a negative impact on privacy for No.13 due to overlooking. In the event that the proposal were to be approved, a condition would need to be imposed requiring that the first floor window be obscure-glazed, which would adequately mitigate the proposal's impact on privacy.

With regard to the nearby approved first floor side extensions referred to in the applicant's submission, it is again important to note that these sites present different

contexts from that of the application site: 36 Dart Avenue and 40 Torridge Avenue are on streets that have a very consistent setback from the street meaning that the respective first floor extensions do not project beyond the rear elevations of the neighbouring properties; 38 Tamar Avenue is set at an angle which means that the extension primarily impacts on the front garden area of the neighbouring property; 2 Otter Road has vacant land adjacent to the first-floor extension. The staggered positioning of the pairs of semi-detached dwellings along Tamar Avenue presents a specific context in which the potential for an overbearing impact is increased.

For the reasons set out above, the proposal considered to be inconsistent with Policy DE3 of the Local Plan and the guidance contained within the NPPF.

4. Impact on Highways

Policy TA3 and Appendix F of the Local Plan state that dwelling houses should be provided with 2 on-site parking spaces and storage for 2 cycles. Policy TH9 of the Neighbourhood Plan states that proposals for additional bedrooms should be assessed for their impact on on-site parking needs, and sufficient on-site parking should be provided. The existing dwelling has space for the on-site parking of at least 2 vehicles in the front curtilage area, and no changes to the on-site parking arrangements are proposed. It is considered that the proposed addition of 1 bedroom and en-suite bathroom would not necessitate the provision of any additional on-site parking spaces over and above the 2 spaces required in terms of the Local Plan, and the proposal is therefore considered to be in accordance with Policy TA3 of the Local Plan and Policy TH9 of the Neighbourhood Plan.

5. Ecology and Biodiversity

The application has been accompanied by an ecological survey report which states that a survey carried out on site revealed no evidence of bats and birds, and that no further surveys were deemed necessary. The report makes recommendations which, in the event that the application were to be approved, should be secured using a planning condition. Subject to this condition, the proposal would be in accordance with Policy NC1 of the Local Plan which relates to the conservation of biodiversity.

6. Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area. Given that the proposal would not result in any increase to the impermeable built footprint of the site, there would be no notable impact on the prevailing water flow regime on site. The proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

7. Other Considerations

The applicant states that the proposal should be considered in terms of Policy H6 of the Local Plan, which relates to the provision of housing for people in need of care. This is in relation to the fact that the applicants are fostering two children and require additional living space to enable each foster child, one of whom is said to have ADHD and struggles to fall asleep at night, to have their own bedroom. Policy H6 of the Local

Plan relates to development proposals involving new sheltered housing, new care homes, new retirement developments, and the physical adaptation of dwellings to accommodate people with physical disabilities (for example through the provision of ramps to enable wheelchair access), rather than to an extension to a dwelling house (albeit a dwelling house that is currently occupied by a foster family). Policy H6 is therefore not considered to be directly relevant to the proposal.

Officers consider that the amount of weight to be afforded to the personal circumstances of the applicants should be limited. Fostering is a life choice and the applicants may in future cease this activity or choose to move house. The stated need for the proposed extension is therefore not considered to overcome the harm identified elsewhere in this report.

Statement on Human Rights and Equalities Issues

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.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

EIA/HRA

EIA:

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

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. Although the proposal would result in the creation of additional living space on a site within the existing urban area, the proposal would result in adverse impacts that would outweigh the benefits. It is therefore considered that the proposal does not constitute sustainable development.

Planning Balance

The planning assessment considers the policy and material considerations in detail. For the reasons set out elsewhere in this report, it is considered that the proposal would have unacceptable impacts on the appearance of the host dwelling and the character of the area, and would negatively impact on the amenities of No.13 Tamar Avenue due to an overbearing impact and a loss of light.

Conclusions and Reasons for Decision

The application is considered unacceptable, having regard to the Local Plan, the Neighbourhood Plan, and all other material considerations.

Officer Recommendation

That planning permission is refused.

Refusal reasons

1. Tamar Avenue is characterised by semi-detached pairs of dwellings that present a consistent rhythm of development. The proposed first floor extension would reduce the existing gap between the host dwelling and the neighbouring semi-detached pair, and would contribute to the erosion of the area's spacious character, and the development of a terracing effect within the streetscene. It is also considered that the proposal would unbalance the semi-detached pair that the host dwelling forms part of. As such, it is considered that the proposal would result in unacceptable harm to the character of the area, contrary to Policies DE1 and DE5 of the Adopted Torbay Local Plan 2012-2030, and Policy TH8 of the Torquay Neighbourhood Plan.
2. The proposed extension, which would extend the first floor of the host dwelling across the full width of the plot, would bring 2-storey development in very close proximity to the shared boundary with No.13 and, due to the staggered positioning of the dwellings on their respective plots, would project around 7m beyond the rear elevation of the neighbour's rear elevation. It is considered that this would result in an overbearing impact and a loss of light for the rear patio and rear garden area of the neighbour's property, contrary to Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

Relevant Policies

DE1 – Design

DE3 – Development Amenity

DE5 – Domestic Extensions

ER1 – Flood Risk

H6 – Housing for People in Need of Care

NC1 – Biodiversity and Geodiversity

SS3 – Presumption in Favour of Sustainable Development

TA3 – Parking Requirements

TH8 – Established Architecture