

# TORBAY COUNCIL

Application Site Address	43 Thatcher Avenue Torquay TQ1 2PD
Proposal	Roof alterations from hipped to flat roof, to create first floor extension with first floor balcony to the front, replacement balustrade to the existing terrace and changes to fenestration.
Application Number	P/2023/0390
Applicant	N/A
Agent	Mr Paul Rose - PMR Architecture
Date Application Valid	09.05.2023
Decision Due date	04.07.2023
Extension of Time Date	08.09.2023
Recommendation	Approval
Reason for Referral to Planning Committee	Returning following a deferral recommendation from Members from the previous Planning Committee on 24.07.23
Planning Case Officer	Katie Greer

## Location Plan:



## **August Committee Summary update**

The application was deferred from July Committee to obtain further information as follows:

1. whether the proposed thickness of the floor can be reduced and revised plans submitted;
2. whether the proposed height of the ceiling can be reduced and revised plans submitted.

Reasons:

The current design has a detrimental impact to the street scene as a result of the massing and height of the current proposed structure.

The applicant has submitted amended plans to show the external height of the proposal reduced to 8.35m, resulting in a 0.6m decrease from the proposal shown at July Committee. The internal floors have also been reduced in thickness, the first floor parapet now measures 0.49m approximately, resulting in a decrease of 0.28m and the second floor internal floor thickness now measures 0.48m approximately, resulting in a decrease of 0.22m.

Three of the windows to the rear northwestern elevation have been obscurely glazed to protect neighbouring amenity, one window remains non-glazed which serves a hallway which is a non-habitable room.

Building Control commented as below, which confirms the internal floor heights are reasonable.

“The Architect is correct that the U values (insulation value) for the floor of the balcony (also acting as a roof to the lower accommodation) has to achieve a figure of 0.15W/m<sup>2</sup>K. This is an upgrade in the requirements of the Building Regulations from last year meaning additional thicknesses of insulation are required. In addition, due to the exposed location there is a requirement to have a 150mm upstand for the damp proof roof covering at the threshold of any doors, the Architect shows this. It also seems that the client wants a relatively level external terrace to the internal floor level meaning the floor finish will need to sit up on pedestals to create the level effect whilst still being free draining underneath for rain. The detail shown is quite common around and on properties on Thatcher Ave and Whidborne Ave.”

The recommendation is for approval subject to conditions

## **Previous Committee report July 2023:**

### **Site Details**

The site, 43 Thatcher Avenue, is a detached residential dwelling located along a

residential street. The residential dwelling is modest in scale within a large plot and the land slopes downwards to the south towards the coast. To the east and west of the site are two dwellings of similar size and to the south of the site, on the opposing side of Thatcher Avenue, are large dwellings that sit significantly lower than the dwellings to the north.

The dwelling is a double-hipped pitched-roof bungalow with an integrated garage at lower ground floor level fronting the street. To the rear there is a subservient double-gabled rear extension, together with flat-roofed extensions.

The site is located within an existing residential area and is designated as Flood Zone 1. There are no site-specific designations over the land.

### **Description of Development**

The proposal is for roof alterations to remove the existing main roof at the front of the dwelling and replace it with a flat-roofed roof extension, creating habitable space at first floor level. The proposal also includes the provision of a first-floor balcony to the front, and replacement balustrade to the existing ground floor terrace, together with changes to the fenestration.

Through revised plans the proposed first floor roof extension is set in from sides and finished in standing seam metal cladding, a change from render. The roof extension is set in from the sides by 1.21m and will be increasing in height by approximately 1.9m, making the height of the dwelling 8.9m.

The proposed dwelling would resultantly have two-storeys of accommodation together with the existing lower-level integrated parking and would, from the front, present a flat-roofed building form.

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

#### **Material Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice 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/1979/2679: Sun Lounge, patio doors. Approved 30.11.1979

P/2000/1145: Alterations and Extensions Including Sun Terrace, Turning/Parking Area, Workshop/Garden Store, Dining Room, En-Suite Facilities And Double Garage. Approved 09.11.2000

### **Summary of Representations**

The application was publicised through neighbour notification letters.

10 letters of objection have been received.

Concerns include:

- Overlooking
- Over development
- Impact on Local Area
- Not in keeping
- Sets precedent
- Residential Amenity
- Noise
- Loss of light

### **Summary of Consultation Responses**

#### **Torquay Neighbourhood Forum:**

No response received.

### **Planning Officer Assessment**

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

1. Principle of Development
2. Impact on the Character of the Area
3. Impact on Residential Amenity
4. Ecology and Biodiversity
5. Flood Risk and Drainage
6. Highways
7. Sustainability

#### **1. Principle of Development**

The proposal is for the roof alterations from a pitched to flat roof, to create first floor extension with first floor balcony to the front, replacement balustrade to the existing

terrace and changes to fenestration. In terms of the proposal being householder extension/alterations within the built-up area there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

## **2. Impact on Visual Character**

Paragraph 126 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 134 states that 'development that is not well designed should be refused, especially where it fails to reflect local design and government guidance on design'. 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 street scene in general. Policy TH8 of the Neighbourhood Plan requires that developments 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 proposes the alterations to the roof including the changes from a hip to a flat roof by increasing the ridge by approximately 1.9m. This will consist of an additional first floor accommodation which will include a balcony at the front and replacement balustrades to the existing terrace and changes to fenestration.

The proposals as originally submitted presented concerns in terms of the likely detrimental impact upon the street scene and wider area, where the bulk and uniform materials would present a stark contrast with the overriding urban form and character of the area. The uniformity of side building lines and the materials presenting a two-storey rendered modern 'box-type' dwelling, with no obvious roof element.

Following positive and proactive discussions to seek to overcome planning concerns, in line with guidance contained the NPPF, revised plans were submitted to reduce the upper level (first floor) on the dwelling, bringing it in from each side (1.2m each side), creating a more subservient addition to the dwelling. It was also suggested that the first floor be finished in an entirely different material to the rest of the dwelling to produce, in essence, a roof like feature that would be more sympathetic to the area, reflecting the urban form within existing street scene. The proposal before members is now for a roof element that is set back from the front and in from the sides and finished in a standing seam material to reflect the mid/dark grey of roof tiles/slates in the area.

The existing streetscene is characterised by a mix of contemporary and traditional architecture. Contemporary alterations and wholesale redevelopments are intermittently present throughout the immediate residential roads and there is an

evolving character to the area as modernism becomes more and more apparent within this enclave of mid-20<sup>th</sup> century traditional building forms.

Considering the revised form of development, and the mixed architectural form of the area, the proposal is not considered to have an adverse impact on the surrounding area and would sit comfortably between the pitched roof dwelling No.45 and the mixed architectural form of No.41, which presents a pitched and flat-roofed form. Due to the differing housing types and designs throughout the existing streetscene, including modern examples of similar dwellings located along the street, therefore the principle of modern design within Thatcher Avenue is considered acceptable.

The additional height is considered acceptable within the immediate context and would not present undue conflict with the general rhythm and rise and fall of buildings heights following the undulating street levels.

Considering the mixed building forms locally the proposal is considered to respect the existing streetscene in terms of its design, scale and bulk and the modern, flat roof design of the dwelling would not create a dominating or overbearing structure. The formation of the new first floor with balcony to the front is considered to be acceptable in terms of its size, scale and design and would be within the existing footprint of the dwelling. The plot is considered to be large in size, therefore the plot would comfortably accommodate the development without resulting in an overdeveloped or cramped site which would not lead to overdevelopment.

The materials proposed for the scheme are a mixture of vertical timber cladding, render, standing seam metal cladding, roof tiles, glazed glass balustrades and grey UPVc windows. This a mixture of materials that respect the modern and contemporary design of the proposal and would maintain the modern style that the applicant is wanting to achieve.

The changes to the fenestration and balustrading is considered to be in keeping with the modern contemporary design of the dwelling and would have a positive impact on the existing frontage.

Given the siting, scale, and design of the proposal it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality and would be considered to be in accordance with Policies DE1 and DE5 of the Torbay Local Plan 2012-2030, Policy TH8 of the Torquay 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 provide a good level of amenity for future residents and will be assessed in terms of the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution, provision of useable amenity space, and an adequate internal living 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 street scene in general.

10 objections have been received by neighbouring properties, with a number of representations from the same person. These include concerns regarding loss of light, privacy/overlooking, over development, impact on Local Area, not in keeping, setting a precedent and noise.

A planning history search shows that a number of recent similar proposals, have been approved within the wider immediate street scenes. The proposal, given the amendment to the first floor is considered to be an acceptable addition to the dwelling, with the first floor balcony being sited within the openness of the public realm of the streetscene and would therefore not overlook into private neighbouring amenity space. Privacy screens are proposed on both sides of the first floor terrace, which will provide some screening into the neighbouring gardens. As previously mentioned given the large nature of the plot and the footprint of the dwelling not being enlarged and the first floor being reduced in sized, it is not considered to negatively or significantly impact neighbouring amenity in terms of loss of light or by being overbearing.

Although the scale and bulk of the development would result in additional bulk to the dwelling, it would not be considered to have a material impact on the loss of light or outlook to neighbours. The distance between the side elevation of the recessed roof element with the side wall of No.41 is 5.2m and the distance between the side elevation of the roof extension with the main side gable end of No.45 is 5.7m. The height of the dwelling is increasing by 1.9m and together with the change to a flat roof form will increase the bulk and mass of the dwelling as experienced by these immediate neighbours, however the impact will not present undue harm on their amenity levels. The adjacent ground floor window facing the development from No.41 is at an oblique angle and serves a lounge at ground floor level and is a secondary window to that room. The distance and oblique angle limits the impact. The upper floor window within No.45 facing the development serves a bedroom and is also a secondary window with the main outlook being to the front. Considering the context both relationships are considered acceptable and would not be unduly impact amenity by loss of light or outlook.

The proposed balustrades on the balconies are all obscurely glazed, and privacy screens are proposed on the side north-eastern and south-western elevations of the second-floor balcony, this will help protect neighbouring privacy and is considered to provide adequate screening. This will also be conditioned as part of the permission so that it is retained for the life of the development. The addition of upper floor windows would not present any undue impact from overlooking to either properties, or casual overlooking of garden areas, which is somewhat characteristic of suburban living.

The proposal is considered to be in accordance with Policies DE3 and DE5 of the Torbay Local Plan 2012-2030.

#### **4. Impact on Ecology**

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats. Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Paragraph 174).

The application has been accompanied by an ecological survey report. The report findings stated that there was no evidence of bats on site and no further surveys are required. Should planning permission be granted the recommendations of the ecological report should be employed through a planning condition.

The proposal therefore complies with Policy NC1 of the Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan.

#### **5. Impact on 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 and is accompanied by a Flood Risk Assessment. In this instance the development would not impact the existing surface water management system and would not increase the risk of flooding, as it sits within the existing footprint.

The proposal is therefore considered to be in accordance with Policy ER1 of the Torbay Local Plan 2012-2030.

#### **6. Highways**

The proposed development is not impacting the parking provision on site; therefore, the proposal is not considered to have any impact on Highway safety.

#### **7. Sustainability**

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify



ways in which the development will maximise opportunities. ES1 also states that the retrofit of energy efficiency measures to existing buildings will be encouraged and supported, and that opportunities for reducing carbon emissions associated with energy use will be sought through the development management process as part of the wider conversion/ refurbishment of buildings where planning permission is required.

In order to address the above it is recommended that the applicant submit a statement on how this development meets the policy requirement for a low carbon development, which will be secured by a [laconditioned onto the permission.

The development is, for the reasons above and subject to the detailed condition, considered suitable for approval, in accordance with Policies SS14 and ES1 of the Local Plan.

### **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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: Not applicable.

### **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.

HRA: Not applicable.

### **Planning Balance**

The planning assessment considers the policy and material considerations in detail. It is concluded that the proposal in terms of addressing the Development Plan would

create a positive impact overall and would be in keeping with the existing streetscene, which would not have an adverse impact on the surrounding area in terms of its size, scale, design and impact on neighbouring amenity. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

### **Conclusions and Reasons for Decision**

The proposal is acceptable in principle and would not result in unacceptable harm to the character of the area or local amenity. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

### **Officer Recommendation**

That planning permission is granted, subject to the conditions stated below.

### **Conditions**

#### **1. Matching materials**

The development hereby approved shall be carried out using external materials as specified on the plans 22.69\_PL\_200A and shall be retained as such thereafter.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

#### **2. Materials**

Prior to the installation of the cladding to the external walls at first floor level of the development, details and specifications of the cladding to be used in the construction, should be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

#### **3. Privacy Screens**

Prior to the approved terrace at first floor level being brought into use, the 1.8m high obscure glazed privacy screen (to a minimum of Pilkington Level 4 or similar standard) shall be erected on the balcony's north western and southwestern side, in accordance with the approved details, and shall be maintained and retained as such for the lifetime of the development. The height of the privacy screen is measured from the finished floor level of the balcony.

Reason: In the interests of adjoining amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

#### **4. Ecological Recommendations**

The development hereby approved shall be carried out in accordance with the mitigation measures, recommendations and biodiversity net gain measures set out in the approved ecology report P-2023-0390-3, received 05.05.2023.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan.

#### **5. Sustainability**

Prior to the commencement of the development energy efficiency measures, to minimise carbon production during the life of the development, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of sustainable development, and in accordance with Policies SS14 and ES1 of the Torbay Local Plan.

### **Informative(s)**

1. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

### **Relevant Policies**

DE1 – Design

DE3 – Development Amenity

DE5 – Domestic Extensions

ER1 – Flood Risk

NC1 – Biodiversity and Geodiversity

TH8 – Established Architecture