

Application Number

P/2013/0656

Site Address

45 Winsu Avenue
Paignton
Devon
TQ3 1QE

Case Officer

Mr Alistair Wagstaff

Ward

Clifton With Maidenway

Description

Demolition of existing house and construction of 2 new houses.

Executive Summary/Key Outcomes

Permission is sought for the demolition of one large detached property and creation of two detached properties. The new properties will have a two storey elevation fronting the road with an integral garage. The frontage design is a modern take on a traditional housing style.

This application seeks to address the refusal reasons of previous application P/2013/0166.

The key issues to consider in relation to this application are the impact it would have on the character and appearance of the street scene and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

When comparing the proposal in terms of plot sizes to those in the surrounding area it will not result in plot widths out of keeping with others in the street.

In relation to the impact on the street scene, Winsu Avenue contains a wide variety of house types and designs with different architectural styles. The development would retain the predominant form of development when viewed from the street, being two story in design. The height of the dwellings is in line with the stepping up of ridge lines of houses along this part of the street.

Due to the further reduction of the proposed outward extent and reduction in roofscape, it is considered that the dwellings would not have a significant impact on the privacy and amenity of neighbouring properties.

As such the proposal is considered to have overcome the previous reasons for refusal and as such on balance is recommended for conditional approval.

Recommendation

Site Visit; Conditional Approval.

Statutory Determination Period

8 weeks, 28th July, delayed to be brought to committee.

Site Details

This is large plot on the south side of Winsu Avenue, currently occupied by one dwelling. The site slopes down from north to south.

Detailed Proposals

Demolition of one large detached property, subdivision of the plot and creation of two detached properties. The new properties will have a two storey elevation fronting the road, with integral garages. The frontage elevations design is a modern take on a traditional housing style.

The rear of the property has a lower ground floor level taking advantage of the topography of the site which the properties have been cut into. The lower ground floor extends out 3 meters beyond the rear elevation. There are a further three storeys above it, with a ground floor balcony inset from the building edge with a privacy screen on the sides of the balconies on the ground floor.

Summary Of Consultation Responses

Torbay Council's Natural Environment Services - contribution could be used towards improvements to Shorton Valley Woods to include access and path improvements. However it would be preferable to use the contribution towards 3 doorstep playgrounds within 1km of site which would benefit from improvements to equipment.

Arboricultural officer- suitable for approval, should include 0one medium size tree per unit.

Highways raise no objection to the application, strategic transport request 106 contribution towards provision and enhancement of bus stop infrastructure on Shorton Road. Note that if changes are required to access this will be required to be preformed under licence by qualified worker

Summary Of Representations

15 objections have been received, the key points include:

- Little change from previous application
- Fails to overcome previous refusal reasons
- Not compliant with NPPF, Local Plan, and Urban Design Guide
- Impact on neighbouring properties
- Ridge height not reduced, does not follow surrounding ridge heights pattern
- Size of the roof
- Loss of light
- Over looking
- Impact on residential amenity
- Overbearing impact
- Privacy and Outlook
- Impact on street scene
- 4 storey rear elevation
- Overdevelopment
- Set president for future developments
- Object to trees in front gardens
- Properties are not symmetrical
- Properties set forward of existing property by 1m
- Object to planting of Leylandii on rear boundary

Relevant Planning History

P/2013/0166 Demolition of existing house and construction of 2 new detached houses with integral garages with vehicular and pedestrian access REF - 14/05/2013.

P/2013/0520 Demolition of existing house and construction of two new houses (Resubmission of P/2013/0166) WDN - 04/06/2013

Key Issues/Material Considerations

The scheme seeks to overcome the previous refusal reasons of application P/2013/0166. Application P/2013/0520 was previously submitted following the refusal of P/2013/0166 and followed negotiations with the planning officer which attempted to overcome the refusal reasons, however this scheme did not take on board suggested alterations and was not supported by officers and was subsequently withdrawn.

Refusal reasons from P/2013/0166

1. The proposed dwellings by reason of their size, siting and design, would represent an inappropriate form of development, due in particular to their 3 storey front elevation. The cramped nature of the built form, resulting from the overdevelopment of the site, would be out of character with the prevailing context in the street scene and would therefore have an adverse impact on the character and appearance of the area. Furthermore, the dwellings would have an unacceptable impact on the living conditions of the neighbouring properties at Nos. 31 and 47 Winsu Avenue, due to the extent of rear protrusion and the resultant overbearing impact. The proposed dwellings would therefore be contrary to policies H9, H10, LS, BES & BE1 of the saved adopted Torbay Local Plan 1995-2011 and paragraphs 56, 57, 60 and 61 of the NPPF.

2. In the absence of a legal agreement under Section 106 of the Town and Country Act 1990 (as amended), the applicant has failed to satisfy the sustainability aims of Policies CF6 and CF7 and the Council's SPD Planning Contributions and Affordable Housing: Priorities and Delivery and Update 3: Economic Recovery. Therefore the development fails to secure the delivery of the physical, social and community infrastructure necessary to make the development acceptable in planning terms. As such, the proposal is contrary to Policies CF6 and CF7 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.

Principle of the development

This scheme has been redesigned and seeks to overcome the above refusal reasons. The alterations include; i) the removal of the front feature gable and remodelling of the front elevation now presenting a two storey elevation and a simpler design to the street, ii) the introduction of hips to both sides of the roofs to reduce its mass, iii) a Dutch hip to the rear gable with a flat top to reduce its height, iv) reductions to the extent of glazing on the rear elevation, and v) the reduction of the depth at ground floor and above by 0.7m to 9.3 m and the reduction of the lower ground floor extension down to 3 metres in depth reduced from 4.5m. The impacts of the revised application are considered below.

The site is large in comparison to others in the near vicinity. Its subdivision will result in 2 smaller plot widths. However it will not result in plot widths out of keeping with others in the street and surrounding area. The new properties are large in scale, however they maintain a degree of separation between the neighbouring properties (between 2-3m)

and each other. The dwellings are also set within an extensive plot which will provide ample amenity space for each unit.

A number of the representations have asserted that the development would constitute an over development of the site. This was also part of the refusal reason on the previous application. The plot is 46 meters in depth and over 22 meters in width, the proposed dwellings would occupy just over a quarter of the plot. The proposed dwellings have been reduced in scale as set out above and their mass has also been reduced through alterations to the roofs and the removal of the front gable. In light of these changes it is considered that the development would not now constitute over development of the site.

Street scene/Design

In relation to the impact on the street scene, Winsu Avenue contains a wide variety of house types and designs with different architectural styles. The size, scale and design of the two dwellings has been the subject of concern in the representations received and it is acknowledged that they do have their own individual design and are modern in appearance. However, they represent an improvement from the previous refused plans in terms of respecting the character of the street scene.

During the course of the application the design has also been altered to create a more balanced street frontage with a symmetrical appearance to the roofs. The rear gable has also been reduced and flattened stopping it appearing above the ridge when viewed from the front. The hipping of the side roofs has also helped reduce the mass of the dwellings in the street scene.

Paragraph 60 of the NPPF states that authorities 'should not attempt to impose architectural styles or particular tastes and they should concentrate on guiding overall scale, density, massing, height, landscape, layout, materials and access'. Given this clear guidance and the changes made to attend to concerns with the original submission, it is considered that the design is acceptable on its individual merits in this case.

The prevailing ridge heights in the street scene have also been a concern in the representations. The principle ridge heights of the dwellings have not been lowered from the previous application, however, the absence of the front gable has removed the highest part of the roof. In addition to the hipping of the roof this has led to the development's appearance being more in keeping with the stepping up of ridge lines of houses along this part of the street.

In conclusion, the previous application was considered to be out of character with the prevailing context in the street scene and would therefore have an adverse impact on the character and appearance of the area. With the various changes and improvements to this scheme it is asserted that this part of the refusal reason has now been overcome.

Parking and Access

The proposed development provides ample parking, in line with the requirements of Policy T25, with a large garage and driveway. Due to the size of the garage area, ample space is also available for cycling storage. The accesses proposed are appropriate to their location and raise no concern over highway safety.

Impact on residential amenity

The two dwellings provide a high quality of residential amenity to future occupiers with an extensive internal area and ample external amenity space.

The outward extent to the rear has been reduced by 0.7 meters at ground floor level. The lower ground floor level has also been reduced by 1.5 metres in depth from the previously refused application. This relationship has also been identified as a concern in the representations.

The proposed dwellings are over 2.5 metres from the neighbouring properties to the side and have been reduced in their outward extent. The roofs have also been hipped to the sides. These alterations have helped improve the relationship to the neighbouring properties. The design of the new dwellings provides no openings in the side elevations ensuring that there is no overlooking to either side. Likewise the proposed balcony areas have been in-set from the edge of the properties with privacy screens provided to limit the overlooking from the balcony area (condition to retain included).

A strong landscaping treatment to the boundaries has also been introduced with a hedge and additional planting along the side and behind the proposed lower ground floor, reducing its impact.

Considering the proposed changes in this application, the combined affect will result in an acceptable relationship to the neighbouring occupiers and will not result in significant impacts on neighbouring living conditions. The resultant relationship is also similar to others in the street scene, including that between 49 and 51 and 31A Shorton Road and 43 Winsu Avenue.

The potential for increased overlooking/ loss of privacy to properties on the north side of Winsu Avenue has also been assessed. The relationship between buildings is across the highway and is no more significant than that present in many residential streets, nor is it significantly different from the existing situation. While the outlook would be altered, the resultant new relationship is not deemed to be an unduly negative one nor does it raise concern in relation to overlooking. As such this relationship is considered acceptable.

The properties to the rear of the site on Southfield Avenue will have the most extensive element of the proposed scheme facing their properties, with a new four storey elevation replacing the existing two storey elevation. Visually this will be a substantive change even with the changes now proposed. However, the closest extent of the proposed new dwellings (the lower ground floor) is over 37.5 m from the boundary and in the region of 60 m from property to property. There is also existing boundary landscaping which is proposed to be enhanced by the landscaping plan submitted with the application. Concern has been expressed by one of the rear neighbours in relation to the rear planting and its impact, this representation concerns the planting of new leylandii. The leylandii shown are existing and the new planting is to be of alternative species, which are set further into the site. Due to the distance between the properties and the landscaping provided, the resultant relationship is deemed appropriate.

Landscaping

A detailed landscaping scheme has been submitted, helping the proposal blend into the

street scene, where the majority of the properties have well established boundary vegetation. Equally, given the increase in depth of the properties, the enhanced boundary planting to the rear of the new dwellings helps reduce the resultant impact of the development on the neighbours and also helps ensure the relationship between the two new properties is a suitable one.

S106/CIL -

Following consultation with the relevant consultees and the calculation of 106 contribution, the following 106 contribution is required:

Planning Contributions Summary	Contribution	Early Payment
Waste Management	£50.00	£47.50
Sustainable Transport	£3,416.00	£3,245.20
Education	£1,466.00	£1,392.70
Lifelong Learning	£276.00	£262.20
Greenspace & Recreation	£2,176.00	£2,067.20
South Devon Link Road	£970.00	£921.50
Total	£8,160.00	£7,752.00
Administration charge (5%)	£408.00	£387.60
Total with Admin Charge	£8,568.00	£8,139.608

The applicant has confirmed their intention to pay via an upfront payment.

Conclusions

The revised application for the siting of two dwellings is considered to have addressed the previous refusal reasons and is considered to be appropriate, having regard to all national and local planning policies and all other relevant material considerations.

The dwellings will fit within the prevailing context in terms of ridge height, plot-width, plot position and urban grain. The design, whilst modern, is appropriate to the varied context and the impact on neighbouring occupiers is limited by virtue of the height and depth of the plots and the proposed landscaping.

Condition(s)/Reason(s)

01. Before the first occupation of the buildings hereby permitted the privacy screens on the east and west sides of the balcony area shall be installed in accordance with the plans hereby approved. The screens shall be fitted with obscured glazing to, or to the equivalent of, or to a level in excess of Pilkington Level 5. The privacy screens shall be permanently retained in that condition thereafter.

Reason: To protect residential amenity and the privacy of neighbouring properties, and in accordance with the requirements of policies BES, BE1 and H9 of the saved adopted Torbay Local Plan 1995-2011.

02. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and in accordance with the objectives of policies BE1 and H9 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

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