

**Application Number**

P/2014/0442

**Site Address**302 Dartmouth Road  
Paignton  
Devon  
TQ4 6LH**Case Officer**

Carly Perkins

**Ward**

Churston With Galmpton

**Description**

Replacement enclosure for the existing swimming pool and the construction of a gymnasium and associated leisure facilities for domestic use.

**Executive Summary/Key Outcomes**

The proposal is for a larger replacement enclosure to the existing swimming pool to also include space for other leisure facilities. The proposal is ancillary to the existing use of the residential dwelling.

The proposal is considered acceptable and without serious detriment to residential amenity, visual amenity or the character and appearance of the area. This is subject to the inclusion of conditions and a section 106 agreement to ensure the proposal is used ancillary to the residential use of the host dwelling and not for any other purpose.

**Recommendation**

Committee Site Visit; Approve subject to conditions and section 106 agreement.

**Statutory Determination Period**

8 weeks, the determination date was the 9th July 2014 however as the next Committee was not scheduled until the 14th July this date has been exceeded.

**Site Details**

The application site is a detached property on the western side of Dartmouth Road, set within a large plot. It is set back over 30 metres from the main road with further detached properties located to the north, south and west of the site. The rear garden is largely paving with some planting along of the boundaries of the rear garden. There is a garden structure in the south western corner of the garden and a swimming pool enclosed by a structure towards the centre.

**Detailed Proposals**

The proposal is for a larger replacement enclosure to the existing swimming pool to also include space for other leisure facilities. The proposal is ancillary to the existing use of the residential dwelling.

### **Summary Of Consultation Responses**

None received.

### **Summary Of Representations**

7 representations have been received (6 objections and 1 in support from the applicant). Issues raised:

- Overdevelopment
- Use of pool and facilities for commercial purposes
- Noise
- Impact on integrity of boundary walls
- Impact on visual amenity
- Out of keeping with locality
- Impact on privacy as a result of terrace
- Impact on value of surrounding properties

Letter in support of application and in response to objections raised.

These representations have been copied and sent electronically for Members consideration.

### **Relevant Planning History**

P/1983/1739	Garden room boiler store etc APPROVED 20.09.1983
P/1986/1926	Four bedroomed detached dwelling with garage REFUSED 21.10.1986
P/1989/0485	Erection of one dwelling house and garage (in outline) APPROVED 10.05.1989
P/2011/1035	Formation of enclosure to existing swimming pool and formation of changing rooms WITHDRAWN 01.12.2011
P/2012/008	Enclosure to existing swimming pool and formation of new changing rooms WITHDRAWN 20.02.2012
P/2012/0316	To raise the height of part of boundary wall and replace flat roofs with pitched roofs to side elevation APPROVED 21.05.2012
P/2014/0336	Widen gable over garage to front elevation (amendment to P/2012/0316) APPROVED 27.02.2014
P/2014/0226	Enclosure over the existing swimming pool including

**Key Issues/Material Considerations**

The relevant considerations are the impact of the proposals on neighbouring residential amenity and the impact of the development on the character and appearance of the existing dwelling and the wider locality.

*Planning History:*

There have been 3 applications in the past for an enclosure of the existing swimming pool with associated facilities, two planning applications and one certificate of lawfulness for a proposed development. Each of these three applications has been withdrawn as it was likely that they would be recommended for refusal.

The first application in 2011 was attached to the existing house and had a maximum height of 4.2m (this was reduced to 3.8m alongside the western boundary and 2.8m alongside the southern boundary). The design was not particularly innovative and no additional landscaping or works to improve the appearance of the rear garden were proposed. This application was recommended for refusal due to its size, impact on neighbouring properties and visual impact (the application was however withdrawn before it was formally determined).

In 2012 a revised application was submitted for an enclosure of approximately 275sqm. The height of the enclosure alongside the western boundary was reduced so that it was below the wall but the maximum height remained the same at 4.2m. Again the design was very similar to that previously submitted with the exception of the roof design which was amended to slope away from the boundaries. This application was again recommended for refusal but was withdrawn prior to a formal determination.

The final application was for a certificate of lawfulness to determine whether or not the works would constitute permitted development. The works did not constitute permitted development due to the height of the building and its attachment to the existing dwelling. This application was withdrawn as the certificate would have been refused.

**Impact of the proposed development on character and appearance:**

Representations have been received regarding the overdevelopment of the plot and the latest revised proposal being out of keeping with the locality. These representations are noted.

The current rear garden is largely hard surfaced and features two garden structures which do not relate well in design to the existing house or position in terms of the rear gardens' usability. The proposed extension is now

approximately 250sqm in area and has a maximum height of 3.8m with this reduced to 3.2m alongside the boundary (same height as existing wall on western boundary and 300mm higher than existing wall on southern boundary).

The highest part of the building is located 4.5m (approximately) within the site. The design of the proposal is quite contemporary and adopts a green roof, softening the appearance of the extension and the rear garden as a whole. In addition the proposal includes landscaping to the rear garden improving the appearance of the rear garden from views from neighbouring dwellings.

Given the revisions made to earlier iterations of the scheme, the design is now considered acceptable and will blend satisfactorily with the existing house. Whilst the proposal is sizable, in comparison to the size of the plot which is approximately 1,730sqm, the scale is considered proportionate and will still allow for a sufficient area of private amenity space to the rear and a vast amenity space to the front.

The proposal is not considered to result in an undue loss of private amenity space or the overdevelopment of the site. The works are confined to the rear garden and are not visible from public viewpoints, the proposal is therefore not considered to result in any serious detriment to the character or appearance of the locality.

Comments regarding the impact on visual amenity are also noted. However the site at present is quite stark and features structures which would neither be in keeping or considered to represent good design. The current proposal will soften the appearance of the rear garden from first floor views of neighbouring properties due to the inclusion of additional soft landscaping, and is considered an improvement.

Whilst tiles on the proposed roof will be visible from rear gardens of surrounding properties these will match those on the existing dwelling and would not be considered incongruous in the locality and therefore the proposal is not considered to result in a detrimental impact to visual amenity.

### **Residential Amenity:**

Representations have been received regarding the impact on privacy as a result of the terrace area. The rear terrace is existing and is accessed via a first floor bedroom. The proposal does not include any extension to this area only a change to the terrace material and balustrading, neither of which would be considered to result in any greater impact to residential amenity by reason of loss of privacy. The proposal only features windows fronting on to the rear garden of the application site and therefore is not considered to result in any serious detriment to residential amenity by reason of loss of privacy.

The highest point of the proposal is located within the site approximately 4.5m

away from the shared boundaries to the west and south. The design of the roof is such that it slopes up and away from the shared boundaries so that the lowest point of 3.2m is alongside the boundary and the highest point of 3.8m is located within the site. Due to the design of the roof and the height of the existing boundary treatments, there is not considered to be a significantly greater impact to residential amenity by reason of being unduly dominant or overbearing to warrant the refusal of the application.

Due to the orientation of the surrounding plots, the level of sunlight would be largely unaffected for the majority of the day. The exception to this is during morning for the occupiers of the property to the west where the impact is considered to be similar to that already experienced as a result of the walls surrounding the property. In light of the existing boundary treatments, the design of the roof and the orientation of the surrounding plots in relation to the proposal, the scheme is acceptable and will not result in any serious detriment to residential amenity by reason of loss of light.

Representations have been received regarding the impact of the proposal on noise and have been noted. The use of the rear garden will remain unchanged as a result of this application, being used for purposes incidental and ancillary to the use and enjoyment of the existing dwelling house. The enclosure of the swimming pool and the additional facilities within this enclosure are not considered to result in any greater noise levels than that which could currently occur. This is a householder application and not for commercial purposes.

In order to overcome these stated concerns of neighbouring residents the applicant has verbally agreed to enter into a section 106 agreement to ensure that the facilities within the enclosure are used ancillary to the use of the existing dwelling house and not for any other purpose. This is also recommended as a condition of the approval. The applicant has stated in their representation that sound proofing will be included to the plant room and this also has been included as a recommended condition.

**Landscaping:**

The proposal includes the additional landscaping which is considered to improve the appearance of the rear garden but also help to mitigate the impact of a larger built structure in the rear garden. A condition has been included to ensure that details of the landscaping are submitted to and approved by the local planning authority.

**Other Issues:**

Representations have been made regarding the impact of the proposed enclosure on the value of the neighbouring dwellings. Whilst noted this would not constitute a material planning consideration. Representations regarding the structural integrity of the boundary walls are also noted but would be considered a civil issue to be resolved between the relevant parties and not a reason to

refuse the application.

### **S106/CIL -**

It is considered that a section 106 agreement is required to ensure that, due to the size of the enclosure, it remains ancillary to the residential use of the existing dwelling.

### **Conclusions**

The proposal is considered acceptable and without serious detriment to the residential amenity or the character and appearance of the existing dwelling. It accords with policy, specifically policy H15 of the Saved Adopted Torbay Local Plan and as such it is recommended for approval subject to a s106 agreement and conditions.

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

01. The development shall not commence until full details of soft landscape works, including an implementation and management plan, have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscape works shall include retention of any existing trees and hedges; details of green roof, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. All works shall be carried out in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan.

Reason: To secure a landscape scheme that will complement the development in the interests of visual amenity in accordance with Policy BES, BE1 and L9 of the Torbay Local Plan 1995-2011.

02. The building hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling known as 'Pentire 302 Dartmouth Road' and shall not be used for any other purpose.

Reason: In accordance with the application submission and use for any other purpose would require a separate application to be considered on its merits in accordance with the objectives of Policies H8 and E10 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Before any plant is used within the enclosure it shall be enclosed with sound-insulating material in accordance with a scheme to be approved in writing by the local planning authority.

Reason: In the interests of local amenity in accordance with policy H15 of the

Torbay Local Plan 1995-2011.

**Relevant Policies**

H15 House extensions  
BES Built environment strategy  
BE1 Design of new development  
H8 Change of use from housing to other uses  
E10 Home working  
L9 Planting and retention of trees  
NPPF National Planning Policy Framework