

**Application Number**

P/2011/0402

**Site Address**Orchard Cottage  
Lower Warberry Road  
Torquay  
Devon  
TQ1 1QY**Case Officer**

Mr Adam Luscombe

**Ward**

Wellswood

**Description**

Extension at first floor level to create 2 bedrooms and bathroom.

**Executive Summary/Key Outcomes**

The application sought to revise previous proposals to form further accommodation in an additional storey over the existing flat roof structure. The original plan showed a pitched extension over the existing flat roof with gable ends. These plans have now been revised during the course of the application. The revisions include hipped roofs so as to reduce any overbearing affect on the neighbours and reduce the bulk of the extension in general. The proposed development is therefore considered not to harm the amenity of the neighbouring occupiers or character and appearance of the area in general.

**Recommendation**

Approval

**Site Details**

The site contains a dwelling that appears to have been formally the stable block to Newark House and the wider development of buildings surrounding it. It has previously been extended with a flat roof single storey extension on the North elevation. The garden area is to the North with an apparent shared drive and parking to the East and South. The buildings surrounding it, given the historic nature, are in close proximity to this former stable block. To the West of the property is the access and garden area for "The Loft", a part of the main house.

**Detailed Proposals**

The application is a revision of the previous scheme. It does not extend across the full extent of the flat roof, instead stopping short on the West side and incorporating a pitched roof over the flat roof.

During the consideration of this application the drawings have been further amended to show hipped roofs instead of gables.

The proposal is to put an additional storey of living accommodation onto the flat roof extension. The additional accommodation will house 2 additional bedrooms and a shower room at first floor level. The extension will not be the full width and a pitched roof will be included over the remaining ground floor that isn't being extended.

**Summary Of Consultation Responses**

Conservation and Design: No objections.

**Summary Of Representations**

Five objections have been made to this application, and are reproduced at Page T.200.

The reasons for the objections relate to impact on character; overlooking; overdevelopment; loss of light; parking, and; the affect on amenity and outlook.

These are the same issues as those raised during the previously refused application.

### **Relevant Planning History**

P/1990/2157 Ground Floor Extension To Dwelling – PER 10.01.1991  
P/1993/0786 Erection Of Conservatory – PER 29.07.1993  
P/2010/0163 Extension at first floor level – REF 13.04.2010

Pre Application

ZP/2009/0550 Alterations and extensions – PER 30.11.2009  
ZP/2010/0705 Extension – PER 28.01.2011

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

**Principle and Planning Policy** - A revised pre-application enquiry was submitted to the Council following the previous refusal. This amended the design. It was considered to have responded to the issues and reasons for refusal of the previous scheme though other amendments were also advised.

By way of background to the site the main part of this property dates from around the turn of the 1900's however the flat roof extension is much more recent. The main property is noted for its architectural detail and importance however, the dwelling that forms the subject of this application is not. There are however features on the property that do contribute to the appearance and character of the setting of the property and by implication on the wider conservation area.

Taking consideration of the comments of the conservation officer in relation to this application, the alterations are not considered to cause detrimental harm to the character or appearance of the property. The revised design, to incorporate hipped roofs in place of the gable ends, will be in keeping with the character of the main villa.

The parking and access arrangements are not affected by the proposal. However, the works will result in more accommodation on the site. The Council's parking standards policy does though indicate a maximum provision and as such the site does not conflict with the policy. A plan to show the availability of parking within the site for clarity has been requested.

The additional storey, whilst staggered, will effectively create an appearance of a three storey property when viewed from the South side. There is accommodation on the ground floor of the main building which currently has an outlook onto the 'courtyard' and stable block. The additional storey to the rear will be visible from this property and it will inevitably affect the outlook. In considering the level of affect and implication of it on the overall amenity of that occupier it is not considered to raise significant concerns.

Previously, and therefore also applicable to this application, the height was not considered to have a detrimental effect on the internal living space nor create any overlooking of internal living spaces.

There were previously concerns for the impact on external spaces, especially in respect of the garden and property to the side. This proposal reduces that impact by lowering the section immediately adjacent to the boundary, thereby setting the two storey element back from the boundary. Furthermore there is a reduction in impact because of the hipped roofs, which do not have such an oppressive impact as the gable would.

The concern for overlooking of the external space of the neighbour to the West is also improved.

Setting the first storey aspect away from the boundary and including an obscure window to the bathroom means that the nearest window looking that way is at least 7 metres from the boundary. The existing property and therefore extension are angled towards the garden of the neighbouring property, 'The Loft'. This was an important consideration of the previous application given the proximity of the proposal to the boundary. Given the angles and setting away from the boundary the relationship is much improved from the previous scenario. However, there will remain some overlooking of the garden area.

In reflecting on the issue of outlook, there will be a level of impact however it is not considered to be sufficiently great so as to cause significant harm. Whilst the height is increasing and this will alter the outlook, the affect of a hipped roof will lessen the overall impact.

The proposal would affect the appearance of the street scene. Currently only the roofscape is visible from the highway and this proposal would significantly change this. This would also impact on the appearance of the conservation area. It is also considered that the proposal would be visible from across the valley, altering the existing appearance of the villa on the hillside. However, it is not considered that significant harm would be caused and whilst the appearance is altered, this alteration would not cause harm to the character or appearance of the conservation area, it is noted that the Conservation Officer does not object to the proposed development.

During consideration of the past application there was concern for potential overlooking arising from the use of the flat roof on the Eastern side as a balcony. This application proposes a Juliet rail across the opening to restrict access. There are not therefore considered to be any outstanding concerns in that regard.

**S106/CIL - Not Applicable**

### **Conclusions**

This application, following the amendments, is considered to overcome the issues raised during the previous submission. As such it is deemed that the proposal accords with the planning policies as set out within the Saved Adopted Torbay Local Plan 1995-2011 and is therefore acceptable. For this reason the application is recommended for conditional approval.

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

01. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no windows, doors or other forms of openings shall be created within the West side elevation adjacent to the garden and access for 'The Loft' and either of the side facing roof slopes (East and West) unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the privacy of the neighbouring property is maintained in accordance with policy H15 of the Saved Adopted Torbay Local Plan 1995-2011

02. The window sited on the North elevation above the porch and indicated to relate to the 1st floor shower room shall be installed as obscure glazing and shall at all times remain as such unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the privacy of the neighbouring occupiers is not compromised in accordance with policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

03. The Juliet balcony, as indicated on the plans hereby approved, shall be installed before first occupation of the first floor aspect of the development. Thereafter it shall be maintained at all

times and the flat roof area adjacent shall not be used as a balcony or for any purpose incidental to the enjoyment of the dwelling house.

Reason: To ensure that the privacy of the neighbouring occupiers is not compromised in accordance with policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order amending, revoking or re-enacting that order, no development as would otherwise be permitted through Part 1 Class B or C shall be carried out unless otherwise approved in writing by the Local Planning Authority.

Reason: To preserve the character and appearance of the area, as well as ensuring that there is no additional harm caused to the amenity of the neighbouring occupiers in accordance with policies BE5 and H15 of the Saved Adopted Torbay Local Plan 1995-2011.

### **Relevant Policies**

URBAN	Urban Design Guide
H15	House extensions
BES	Built environment strategy
BE1	Design of new development
BE5	Policy in conservation areas