

Application Number

P/2015/0986

Site Address

The Anchorage
Headland Road
Torquay
Devon
TQ2 6RD

Case Officer

Mr Robert Pierce

Ward

Cockington With Chelston

Description

Replacement dwelling.

Executive Summary/Key Outcomes

The proposal is for the demolition of the existing traditionally designed two storey dwelling and attached double garage and its replacement with a modern "marine" style detached, three storey dwelling and attached double garage (with cinema room over). It will incorporate the existing access.

The proposal is considered acceptable in this location and without any material detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality.

The application was the subject of a Site Review Meeting on Friday 27th November 2015 (Councillors Amil, King and Winfield in attendance) when it was agreed with Officers that the application be considered by the Development Management Committee at their next Meeting on 14.12.2015.

Recommendation

Conditional Approval.

Statutory Determination Period

8 weeks (3rd December 2015) - Extension of time has been agreed with the Agent until 11th January 2016

Site Details

The large existing detached two storey dwelling house is well set back from the road frontage on the south side of Headland Road. Its original plot has been subdivided and it shares a communal driveway with a new dwelling (allowed on appeal) which was built about 6 years ago. Due to the sloping nature of the site, the front of the property is approximately 2 metres lower than the rear. As a result there is basement accommodation in the front corner of the house. There is a large flat roofed double garage block set at right angles to the front elevation which backs onto the party boundary. To the rear of the property there is a large single storey flat roofed extension which extends out by 5 metres across the full

width of the rear elevation. The roof of this extension is used as a large terrace which is accessed from three pairs of French doors at first floor level. The property has a very large rear garden which is level and extends some 26 metres to the edge of "Broken Cliff" and the sea below. The rear garden to the property (together with the adjoining properties) is located within the Coastal Protection Zone. The side boundaries to the rear garden is screened by hedging and shrubs and is open to the cliff edge. There are no significant trees on the sight. There are slight variations in the heights of the properties along the seaward side of Headland Road but differences are not significant as the plots are all reasonably level.

Detailed Proposals

The application has been submitted following a pre-application development enquiry. The pre-application enquiry received a positive response (subject to a contextual drawing which would give a clearer indication as to whether the increase in height would have any negative impact and enable a landscape assessment to be made). The submitted plans indicate that the existing dwelling will be reduced to floor level and replaced with a modern looking "marine" style dwelling built on a slightly larger footprint. The front elevation would have a central projecting feature, comprising a curved, 3 storey atrium which would contain the central staircase to all floors. The rear elevation would have a flat roofed element which would project out by 8 metres. Access to the house would be via steps leading up to a porch to the side east elevation. A two storey side wing is also indicated to the front of the west elevation. The ground floor accommodation would comprise gym/sauna, office, utility room, and a large open plan dining hall, living room and breakfast kitchen. The first floor would accommodate 4 en suite bedrooms. Three of the bedrooms would lead out onto a roof terrace and perimeter roof garden over the flat roofed element. A smaller third floor is also indicated which will accommodate a fifth en suite bedroom and dressing room with access out onto a further roof terrace which will have privacy screens on each side. The new garage to the front will have a footprint double the size of the existing garage and will support a cinema room above.

Summary Of Consultation Responses

South West Water: No objection.

Environment Agency: Observations Awaited.

Structural Engineer: It is reasonable and appropriate to attach conditions in respect of Rate of Erosion and Cliff Instability.

Drainage Engineer: Observations awaited.

Summary Of Representations

Letters of objection received from the 3 immediate neighbours at "Yellow Tubs", "Portofino" and "Cliff Orchard". Also letter of support from applicant.

Main issues of concern included:

- Design of the replacement house out of keeping with local character

- Does not preserve or enhance the high quality residential setting of Headland Road/Cockington Conservation Area
- Unsympathetic modern design and inappropriate scale and massing
- Additional height and considerable bulk of the new dwelling will have an adverse impact on the residential amenity of the neighbouring properties
- Overlooking and overbearing impact on neighbouring properties
- In particular window openings overlooking into habitable rooms of Cliff Orchard and Portofino
- Loss of natural light to adjoining properties
- Overdevelopment of the site
- Contrary to Paragraphs 6, 7 and 57 (Sustainable development and good design) of the NPPF
- Adverse impact on the skyline
- Impact of garage/cinema room would impose on the boundary with "Yellow Tubs"
- Garage is disproportionate to the needs of a single dwelling house
- Overlooking from third floor balcony
- Overshadowing and reduction of light to ground floor window of "Yellow Tubs"
- Overlooking from balconies and roof garden
- Flat roof not in keeping with the pitched roofs of the surrounding properties
- Increase in height will have a negative impact on the south facing thermal solar panels on the roof of "Portofino" during mid winter months.

Relevant Planning History

DE/2015/0217 - Pre Application Enquiry - Redevelopment with replacement dwelling (similar to the current proposal). Positive response at Peer Group Review 9th June 2015

P/2010/1288 - Replacement dwelling at "Overcliffe", Headland Road - Approved 6.01.2011

P/2010/1393 - Replacement dwelling at "South Cliff", Headland Road - Approved 8.2.2011

Key Issues/Material Considerations

The main issues in respect of this proposed replacement dwelling are as follows:

Character and Appearance: Representations regarding the impact of the proposal on the character and appearance of the area have been received and noted. The proposal is for one replacement "marine" style detached three storey dwelling with a large attached double garage with cinema room over. The move away from a traditional design to this contemporary approach is not significantly different to two other modern properties which have recently been developed further along Headland Road. Although the proposed dwelling will have a third storey, the plans indicate that it will only be slightly higher than the ridge of the existing property but it will not be as wide. The property is well setback from the road frontage and is not particularly visible from the road. It will be visible from

the sea but it is well set back from the cliff edge. Paragraph 60 of the NPPF emphasises the fact that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however proper to seek to promote or reinforce local distinctiveness. In the light of the two dwellings that have recently been developed further along Headland Road it is considered that the proposed dwelling will further reinforce the evolution of modern "marine" style properties along this cliff top location and will make a positive contribution to this group of large houses. It is therefore considered that the proposed three storey dwelling in this location is appropriate and without detriment to the character or appearance of the locality.

Overdevelopment: The replacement dwelling will follow the basic footprint of the existing dwelling with the exception of a few deviations including the single storey extension to the rear which will project out a further 3 metres. The property enjoys the benefit of a very large rear garden which can easily accommodate the larger single storey extension. The new garage will be larger but there is plenty of space to the front of the property and again it will not be visible from a public view. Therefore the proposal is not considered to represent overdevelopment.

Impact on neighbouring residential amenity: It is noted that the neighbours are concerned about loss of privacy due to overlooking from the proposed windows, balconies and roof terraces. In order to reduce any adverse impact in this respect, negotiations took place with the agent and a proposed first floor balcony to bedroom 5 has been removed and replaced with a glazed flush fitting balustrade fixed to the outside wall. There is already a large first floor roof terrace over the existing flat roofed extension to the rear, which means that there will not be an unacceptable increase in overlooking from the proposed first floor roof terrace. Although it will project out by a further three metres, the plans indicate that the additional perimeter area will be laid out as a roof garden. This will be restricted as an area of useable amenity space by condition. The second floor roof terrace will have 1.8 metre high privacy screens at each end to prevent lateral overlooking. The second floor bedroom has a curved featured window to the side in order to take advantage of views towards Torquay. This will be set back from the side elevation below by approximately 1.3 metres at its outer circumference which is considered sufficient enough to eliminate an unacceptable level of overlooking.

Overbearing impact: It is noted that the neighbours next door at "Yellow Tubs" are concerned about the proximity of the proposed garage and cinema room above. The existing large double garage is sited in close proximity to the boundary and the upper cinema room level will set back off the boundary by a minimum of 2.5 metres which is not considered to be un-neighbourly.

Loss of direct sunlight: It is noted that the neighbour opposite at "Portofino" is concerned that the increase in height above the existing ridge will interfere with solar rays beaming onto Thermal Solar Panels that have been installed on that property. This, however, is not a material planning consideration.

Impact on the Coastal Protection Zone: One of the key considerations in assessing a proposal in the Coastal Protection Zone is whether it will adversely affect the natural environment and whether it is compatible with landscape policies. The proposed dwelling will be slightly higher than the existing property however it will remain well set back from the edge of the cliff and therefore it is not considered that will detract from the unspoilt character and appearance of the coastal area.

S106/CIL - Not applicable.

Conclusions

The proposal is considered to be acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance locality. The application accords with Local Plan Policy and relevant paragraphs of the NPPF.

Condition(s)/Reason(s)

01. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed study by an expert geologist of the rate of erosion for the site and the local area. The study would need to demonstrate that the rate is acceptably low and would not constitute a risk to the life expectancy of the proposed construction.

Reason: In the interests of assessing the impact of the proposal on the Coastal Protection Zone.

02. Prior to the commencement of development a survey of the local cave formation and cliff instability potential shall be carried out by an expert geologist and submitted in writing to the Local Planning Authority together with the results and any remedial works necessary. No development shall take place on the site until any remedial works required have been agreed in writing by the Local Planning Authority (LPA). The agreed works of remediation shall then be carried out in accordance with the written programme approved by the LPA.

Reason: To mitigate the potential risks associated with development in close proximity to a cliff.

03. Notwithstanding the provisions of Article 3 of the Town and Country

Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order) no development of the types described in Schedule 2, Part 1, Classes A -F (incl.) shall be carried out without the prior consent of the Local Planning Authority.

Reason: The site is in close proximity to neighbouring properties and within the Coastal Protection Zone and so the Local Planning Authority will need to maintain control over all of the cited developments in the interests of the amenities of the surrounding properties.

04. Notwithstanding the submitted Flood Risk Assessment and Drainage Strategy dated 22nd September 2015, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF. This information is required pre commencement as Torbay has been designated as a critical drainage area by the Environment Agency and this detail is needed to prevent an increase in flood risk.

05. Privacy screens, measuring 1.8metres in height from the floor level of both ends of the second floor level roof terrace, extending 3.210 metres as indicated approved drawing No 1305.11c, shall be installed prior to first use of the second floor roof terrace hereby approved. This screens shall be obscure glazed to, or to the equivalent of, or to a level in excess of Pilkington Level 5. The screens shall then at all times be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that the privacy and general amenity of the neighbouring occupiers is preserved.

06. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and of retaining the character of the area.

07. The outer area of flat roof above living/breakfast room identified as roof

garden on approved drawing no.1305.11c shall not be used for sitting out and shall only be accessed for maintenance purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

Informative(s)

01. 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

BES - Built environment strategy
BE1 - Design of new development
C3 - Coastal change management
NC1 - Protected sites - internationally import
DE1 - Design
DE3 - Development Amenity
ER4 - Ground Stability 1
H9 - Layout, and design and community aspects
EP12 - Coastal Protection Zone
L3 - Coastal Protection Areas
EP8 - Land stability
C2 - The coastal landscape