

Application Number

P/2015/1043

Site Address

Snooty Fox
89-91 Fore Street
St Marychurch
Torquay
TQ1 4PZ

Case Officer

Matt Diamond

Ward

St Marychurch

Description

Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties (variation of condition 9 of planning permission P/2015/0289)

Executive Summary/Key Outcomes

The application is to vary condition 9 of planning permission ref. P/2015/0289 in order to lower the heights of the privacy screens on the second floor to the rear of the block of flats developed behind the Snooty Fox public house in St Marychurch, Torquay. The heights of the second floor privacy screens previously approved were 1.8m. The proposal is to lower the screens to 1.5m. The screens on this floor have been installed at this lower height.

Objections have been received from the residents adjoining the site concerned that their residential amenity will be adversely affected by reason of loss of privacy when the flats are occupied.

This issue is a subjective matter and Members are recommended to carry out a site visit to assess the degree of overlooking themselves. However, officers consider that the height of the privacy screens as installed offers adequate protection to the neighbouring properties, taking into account Policy DE3 - 'Amenity' of the Local Plan. This also takes into account the amenities of future occupiers of the flats.

Recommendation

Approval

Statutory Determination Period

The application was validated on 16.11.2015. The statutory determination date is 16.02.2016 (13 weeks).

Site Details

The site comprises the recently developed block of flats to the rear of the Snooty Fox public house in St Marychurch, Torquay. The site is accessed via a private road off Petitor Road. The site is located within the St Marychurch Conservation Area, but otherwise is undesignated in the Adopted Torbay Local Plan - A landscape for success 2012-2030 ('the Local Plan').

Detailed Proposals

The application is to vary condition 9 of planning permission ref. P/2015/0289 in order to allow 1.5m high privacy screens instead of 1.8m high privacy screens on the second floor to the rear of the building. The privacy screens have already been installed at the lower height. Therefore, the application is retrospective.

Summary Of Consultation Responses

No consultations requested by officers; however, *Highways* responded stating no objection.

Summary Of Representations

Three objections received, one from residents of 4 Rowley Road and two from residents of 6 Rowley Road. These properties are located to the south of the site and together with 4C Rowley Road are the properties that will be directly affected by the proposals.

The following issues were raised:

- No reasons provided for lowering the screens
- Screens already installed
- Overlooking and loss of privacy
- Second floor balconies have adequate light
- Told height of screens will be 1.8m from start of process

These representations have been sent electronically for Members consideration.

Relevant Planning History

P/2015/0289/MVC: Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties (variation of condition P1 of original planning permission P/2013/1125 - variation to facade treatments): Approved 22.07.2015

P/2013/1125/MPA: Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties) (revision to refused application ref. P/2013/0698)

Key Issues/Material Considerations

The key issue is whether the lowering of the screens by 30cm will have a detrimental impact on the privacies of residents living at 4C, 4 and 6 Rowley Road from overlooking.

This issue was a material consideration for the previous permissions relating to the site. The Development Management Committee approved the original application ref. P/2013/1125 and the plans showed 1.8m high privacy screens on the first and second floor balconies to the rear of the building. An application was submitted earlier in 2015 to lower the height of the first floor privacy screens to 1.1m, together with other amendments to the rear elevation, and this application was approved by Members subject to a new condition stating that the height of the privacy screens will be as follows:

The heights of the first floor privacy screens on the rear elevation of the building shall be 1.1 metres measured from the finished floor level of the first floor balconies. The heights of the second floor privacy screens on the rear elevation of the building shall be 1.8 metres measured from the finished floor level of the second floor balconies. The heights of the third floor parapet wall and privacy screens atop together shall be 1.5 metres measured from the finished floor level of the third floor balconies. For the avoidance of doubt the finished floor level is the uppermost surface of each balcony platform including any additional form of surface treatment e.g. wooden decking.

The applicants have applied to amend this condition so that the height of the second floor privacy screens will be 1.5m. 1.8m was considered an appropriate height previously because it will prevent any overlooking from the second floor balconies, including when people are standing on the edge of the balconies. However, this was based on the submitted plans, whereas the privacy screens have now been installed at 1.5m allowing a judgement to be made as to whether this lower height is acceptable or not.

It is a subjective matter to judge the minimum height at which the privacy screens provide adequate protection to the neighbouring properties. The applicants have informed officers verbally that the reason for the proposed amendment is to allow limited views of the surrounding roofscape to future occupiers of the second floor flats. They have stated that the amenities of future residents also need to be taken into consideration, as well as that of the neighbouring properties.

Officers have carried out a site visit: with the 1.5m high privacy screens as installed, it is not possible to overlook the neighbouring properties when standing inside the flats. It is also not possible to overlook the neighbouring properties when sitting on a chair on the balconies. Depending on the height of the person standing on the balcony, it is only possible to overlook the neighbouring properties when the person is standing close to the edge of the privacy screens and that person looks down into the properties.

On balance, Officers consider that the privacy screens as installed provide adequate protection to the neighbouring properties and accord with Policy DE3 - 'Amenity' of the Local Plan. However, Members are recommended to carry out a site visit and form their own view of this matter. Should Members consider that the privacies of the neighbouring properties will be harmed, the application should be refused in accordance with Policy DE3.

S106/CIL -

No modifications to the extant s106 are required.

Conclusions

The application is finely balanced and to a certain extent subjective. Therefore, Members are recommended to carry out a site visit and observe the degree of overlooking themselves with the 1.5m high privacy screens as installed. However, officers consider the proposed amendments to be acceptable and provide adequate protection to the neighbouring properties taking into account Policy DE3 of the Local Plan. This also takes into account the amenities of future residents of the flats.

Condition(s)/Reason(s)

01. Prior to the installation of the privacy screens on the balconies on the rear elevation of the building hereby permitted, details of the specification of the privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be installed as approved and should any become damaged and need replacement shall be replaced with privacy screens of the same specification.

Reason: To protect the privacy of the neighbouring dwellings in accordance with Policy DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

02. The development shall be built to Secured by Design Standards and shall aim to achieve a full certification in this regard. Evidence that this has been achieved shall be submitted to and approved in writing prior to the occupation of any of the dwellings. This shall account for the advice by the Police Architectural Liaison Officer.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

03. None of the dwellings shall be occupied until all of the car parking spaces and access thereto shown on the approved plans have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter, and shall be clearly marked as being designated to individual dwellings and/or visitors parking.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and in the interests of highway safety and in order to protect the residential amenities of the neighbourhood.

04. The existing boundary wall along the southern boundary of the site shall be retained permanently and if is damaged during the construction of the development it will be made good by the developer.

Reason: In the interests of design and amenity, and in order to accord with Policies SS10, DE1 and DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

05. The heights of the first floor privacy screens on the rear elevation of the building shall be 1.1 metres measured from the finished floor level of the first floor balconies. The heights of the second floor privacy screens on the rear elevation of the building shall be 1.5 metres measured from the finished floor level of the second floor balconies. The heights of the third floor parapet wall and privacy screens atop together shall be 1.5 metres measured from the finished floor level of the third floor balconies. For the avoidance of doubt the finished floor level is the uppermost surface of each balcony platform including any additional form of surface treatment e.g. wooden decking.

Reason: For the avoidance of doubt and to ensure that the privacy of the neighbouring dwellings are protected in accordance with Policy DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

06. The louvred fence panel shown on plan reference OGP-255-17B Boundary Fence Plot 13 received on 13th July 2015 hereby approved, on the wall sited along the southern site boundary shall be installed prior to the occupation of the first flat to be sold and shall be retained permanently. If it is damaged and need replacement it shall be replaced by a panel of the same or similar specification.

Reason: To ensure that the privacy of the neighbouring dwelling is protected in accordance with Policy DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

07. All landscape works shall be carried out in accordance with the details shown on plan reference OGP-255-34 (Landscape Scheme) received on 25th March 2014. The hard landscaping shall be constructed as approved prior to the occupation of any of the dwellings. The soft landscaping shall be planted within the first planting season following the occupation of any of the dwellings or completion of the development, whichever is the sooner, or in earlier planting seasons where practicable, 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.

Reason: In the interests of design and in order to accord with Policy DE1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

08. The cycle and bin store indicated on plan reference OGP-255-35 (Cycle and bin store) received on 25th March 2014 shall be constructed in accordance with the approved drawings prior to the occupation of any of the dwellings. The details for the removal of waste likely to be generated by the development shall be implemented as approved prior to the occupation of any of the dwellings and maintained thereafter in accordance with the approved details.

Reason: To ensure appropriate facilities are provided for the storage and removal of waste likely to be generated by the development, including recycling, in accordance with Policy W1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

Relevant Policies

DE3 - Development Amenity