

Application Number

P/2016/0449

Site Address10 Churston Close
Brixham
TQ5 0LP**Case Officer**

Gary Crawford

Ward

Churston With Galmpton

Description

Addition of 2 dormers and opaque glazed windows to rear elevation, reduction in size of garage and, reposition of door and windows to front elevation

Executive Summary/Key Outcomes

The application is for a number of revisions to the extensions approved under application reference P/2015/0221. A number of the changes are relatively minor alterations.

The most significant element of the proposal is construction of two dormer windows on the rear elevation of the property. Under the previous application the case officer asked for dormer windows on the front and rear elevations to be deleted because of the effect on the amenity of the neighbouring property and the effect on the visual amenity of the area. It is a finely balanced judgement as to whether the proposed rear dormer windows are acceptable in terms of the impact on the property to the rear. In this case it is considered that due to the distance between the application site and the property to the rear, which is approx. 40 metres between facing windows, the proposal would not result in an unacceptable loss of residential amenity and the relationship of buildings would be consistent with policies DE3 (Development Amenity) and DE5 (Domestic extensions) of the Torbay Local Plan and. On balance the proposal is therefore considered to be acceptable in terms of impact on the amenity of adjoining occupiers.

The proposed development would have an acceptable effect on the appearance and character of the area. In terms of visual amenity it would meet the requirements of Policy DE5 (Domestic extensions) in the Torbay Local Plan.

Recommendation

Conditional approval (condition at end of report).

Statutory Determination Period

The eight week target date was 21st June. This date has been exceeded due to including the application on the agenda for DMC.

Site Details

The site, 10 Churston Close, Brixham, is a detached residential property located at the end of a cul-de-sac. Planning permission (P/2015/0221) was recently granted for an extension to provide additional ancillary accommodation to the dwelling and this extension is currently being constructed.

Detailed Proposals

The application seeks permission for the addition of two rear dormers, four obscure glazed side windows, a reduction in the size of the garage and, repositioning of the door and windows in the front elevation.

Summary Of Consultation Responses

None

Summary Of Representations

One letter of objection was received which raised the following issues:

- Overlooking and loss of privacy

This has been forwarded electronically for Members consideration.

Relevant Planning History

P/2015/0221: Extension to provide additional ancillary accommodation, approved 17/6/2015. This application originally included an extension to the front of the property and dormer windows on the rear elevation. These two elements were removed from the proposal at the request of the case officer.

DE/2016/0071: Addition of dormers to approved application P/2015/0221. Response sent on 23/3/2016.

Key Issues/Material Considerations

The key issues to consider in relation to this application are 1)the impact it would have on the amenity enjoyed by the occupiers of neighbouring properties, and, 2) the impact on the character and appearance of the original property and streetscene.

1) Impact on amenity of adjoining occupiers

As stated above, the rear dormer windows the subject of this application were originally submitted as part of application reference P/2015/0221 and were deleted from the proposed scheme at the request of the case officer.

It is material to the determination of this application that the case officer advised the applicant to delete the rear dormer windows from the previous application. Local Planning Authorities should be consistent in their decision making and therefore there should be an identifiable reason if the Local Planning Authority consider that the rear dormer windows are acceptable in this application.

The two proposed dormer windows would be inset into the roof. They would be slightly lower than the ridge level of the roof and would be set above the eaves line. Each window would serve a bedroom.

Policies DE3 (Development Amenity) and DE5 (Domestic extensions) are relevant to the determination of this application. Policy DE3 seeks to ensure that new development would not unduly impact upon the amenity of neighbouring uses and Policy DE5 states that an extension should “not cause harm to the amenity of nearby properties, for example through overlooking, overbearing impact, loss of light or privacy”.

The proposed dormer windows would be situated approximately 27m away from the rear boundary of No.19 Churston Close and approximately 40m from the rear elevation of No.19 Churston Close. It is acknowledged that the proposed rear dormers may result in an element of overlooking and loss of privacy to the rear garden area of No.19 Churston Close. An objection has been received from the neighbour that advises that the proposal would result in an unacceptable loss of privacy and amenity.

However, given the substantial distance between the proposed dormer windows and the rear boundary of No.19 Churston Close, it is considered to be a close judgement as to whether the proposal would be significantly harmful to warrant a refusal of the application. In the suburban environment of the application site where potential observation from first floor windows is commonplace, it could be argued that the impact of the proposal would not amount to a significant impairment of neighbouring living conditions. A reason for refusal relating to a similar relationship at 102 Sandringham Drive was not supported by the Planning Inspectorate in an appeal decision dated 3.2.14 where the Inspector considered the depth of the rear gardens, the separation of the backs of properties and the degree of intervening boundary screening and filtering vegetation was relevant and concluded that a proposal raising the roof height and provision of first floor accommodation was acceptable in terms of the relationship to the property to the rear. In this case the distance between properties was 22 metres. It should be noted that the Inspector did also refer to a difference in levels between the two

properties in this case.

It is a close judgement as to whether the proposed dormer windows would result in an unacceptable loss of residential amenity. On balance because of the distance between the application site and the property at the rear it is considered that the proposed dormer windows would not result in a significant level of intervisibility and overlooking and would therefore be acceptable and accord with Policies DE3 and DE5 in the Torbay Local Plan.

The proposal also includes the addition of four windows in the flank elevations of the dwelling which will be conditioned to be obscure glazed. As the proposal would be smaller in terms of its size than the previously approved scheme (P/2015/0221), it is deemed that the proposed development would not result in any harmful overbearing or overshadowing impacts upon neighbouring properties.

2. Impact on the appearance and character of the original property and the street scene

Given the secluded location of the host dwelling at the end of a cul-de-sac and the position of the proposed dormers to the rear of the host dwelling, it is considered that the proposal would not result in any adverse impacts on the character and appearance of the original property and streetscene. As such the appearance and the design of the proposed extension would be consistent with Policy DE5 (Domestic extensions).

Conclusions

This is a finely balanced decision. In planning terms it is normally accepted that a distance between facing windows serving different properties should be a minimum of approximately 20 metres to ensure that there is sufficient privacy for occupiers. It should be noted that there is no published guidance specifying this distance and it is not identified in the Council's policies in the Local Plan or the urban design guide.

In this case the distance between facing windows is approximately 40 metres which exceeds the distance that is generally sought in similar applications. In a built up location it is normally accepted that some intervisibility between dwellings is likely. In this instance it is concluded that the proposed development would not result in an unacceptable level of loss of privacy and therefore the proposed dormer windows would be an acceptable alteration to the property.

Condition(s)/Reason(s)

01. The ground floor dining room window and first floor bathroom windows in the north west flank elevation of the dwelling and the ground floor

lounge window in the south east flank elevation of the dwelling, as shown on plan reference XY-01-74-15 Revision B received on 19 April 2016, shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. Such windows shall be fixed shut unless opening parts are located higher than 1.7m above finished floor level or they are fitted with a 100mm opening restrictor. The windows shall thereafter be permanently retained in that condition.

Reason: In the interests of privacy of the neighbouring properties, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

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

DE1 - Design
DE3 - Development Amenity
DE5 - Domestic extensions