

Application Number

P/2011/0697/PA

Site Address24 North Rocks Road
Paignton
Devon
TQ4 6LF**Case Officer**

Mr Robert Pierce

Ward

Churston With Galmpton

Description

Extension and conversion of existing double garage into a dwelling and erection of detached garage

Executive Summary / Key Outcomes

Planning permission was granted in 2005 for the erection of a large double garage at 24 North Rocks Road. There was a condition attached to that permission that it should not be used for business or habitable purposes. This proposal is to considerably extend the double garage to enable it to be converted and used as a detached dwelling. It is also proposed to form an additional detached double garage to serve the proposed dwelling. It is considered that the proposal would result in the overdevelopment of the site which would have a negative impact on the visual and residential amenities of the area.

Recommendation

Refusal.

Site Details

North Rocks Road is a circular cul-de-sac serving a mature hillside estate of detached houses and bungalows on sloping ground with the benefit of generally extensive sea views over the Dart Valley railway embankment to the east of the estate. The embankment is immediately adjacent to the rear/east of the application site and is designated as being part of a locally important County Wildlife Site (Policy NC3) and the far side of the railway is designated as a Coastal Preservation Area (Policy L3).

The site forms part of the garden area of 24 North Rocks Road (P/2004/1277 Use of land as residential in association with 24 North Rocks Road; see History) a detached, extended bungalow located to the north-eastern side of North Rocks Road. There is an existing pitched, hipped-roofed double garage which directly abuts the footpath (5 metres high from footpath level to the ridge) which was granted planning permission in 2005.

There is a TPO on the site but the site has been mainly cleared and there are

only two mature cherry trees remaining within the application site and some trees on the adjacent railway land.

At the southern end of the site there is a block of 4 lock-up garages fronting the highway in other ownership and is enclosed with a 1.8 metre high close-boarded fence on the western boundary with North Rocks Road. This fence was permitted as part of P/2005/1783 with a condition attached that it should be stained dark green (in order to be sympathetic to the streetscene as hedges are the most common boundary treatment in this vicinity), but is currently partly stained in a brown colour.

There is a history of refused applications and dismissed appeals for erection of dwellings, one on this site and several on the land (of similar size) to the south of the block of garages opposite No.2 North Rocks Road. (See History)

Detailed Proposals

Permission is sought to add a two storey extension to the existing detached double garage to enable it to be used as an L-shaped detached dwelling. The plans indicate that the extension would be set back from the front elevation by approximately 2.2 metres and would project out from the side elevation by approximately 6.2 metres across the remaining 6.2 metres of the garage. It would have a hipped roof with a ridge height the same as the existing garage. The extension would have hipped dormer windows to the front and rear elevations. Two additional hipped dormers would also be installed within the roof on the south elevation of the existing garage together with a new entrance porch providing access from the garden side. The resulting accommodation would comprise a lounge, dining room and kitchen/breakfast room on the ground floor with internal stairs leading up to 3 bedrooms and a bathroom at first floor level. The extension would be finished in materials identical to the existing garage comprising a slate roof with red clay hip and ridge tiles over cream painted rendered walls with brown UPVC windows. The land to the south of the existing garage would form the remaining curtilage/garden area for the new dwelling and the proposed double garage would be sited at the bottom of the garden adjacent to the existing block of four garages on the adjoining plot. The garage would have a flat roof and a footprint of 6 square metres. The existing pedestrian access which serves the existing bungalow at 24 North Rocks Road would be widened and two parking spaces would be provided for that dwelling within a reduced curtilage.

Summary Of Consultation Responses

Highways Officer : No objections

Arboricultural Officer : No obvious issues with impact on existing trees of any

merit but there is a current requirement for replacement tree planting on the site as the result of a recent permission for tree removal and the tree officer is having on going discussions with the owner of the site. A landscaping/planting condition would be suggested at any future appeal stage.

Dart Valley Railway and Riverlink : Observations awaited.

Summary Of Representations

2 letters of support

9 letters of objection

Main issues raised : Concern that existing garage is being lived in.
Pressure in the future to convert additional proposed garage into a dwelling
Additional traffic and noise. Previous unauthorised use of garage for residential purposes should not imply any established use. Increases flood risk. Precedent for further dwellings in plots on North Rocks Road. Would harm the character and appearance of the area. These representations are re-produced at Page P.200.

Relevant Planning History

Applications relating to application site/land immediately to south of 24 North Rocks Road;

P/2010/0181/OA Erection of a dwelling Application Refused 10th February 2010
Appeal dismissed APP/X1165/A/10/2139042

AT/2009/0226 Fell the group of cherry trees to ground level as they are overhanging the public footpath, road, garage and parked cars.
Permitted, but to be replaced within 6 months by a 1 x 12-14 cm girth 40-45 litre container tree comprising Sessile Oak (*Quercus petraea*) and a 1 x 10-12 cm girth 40-45 litre container tree comprising Field Maple (*Acer Compestre*) planted as close as practically possible to where the cherry trees were removed.

AT/2007/0150 As above.

Refused with alternative to fell one tree only close to the pavement (Tree 5). This was because the majority of the trees (with the exception of Tree 5) were considered to be of normal growth and considerable visual amenity to the local and wider landscape.

P/2005/1783 Detached garage and erection of timber fence (Revised scheme).
Permitted 05.12.05.

3 Conditions attached including:

02. The garage hereby approved shall not be used for business or habitable

purposes.

Reason: To protect the residential amenities of the neighbourhood and to ensure that adequate off street parking is retained in the interests of highway safety in accordance with the objectives of Policies H15 and T25 of the Torbay Local Plan 1995-2011.

P/2005/1492 Detached garage and erection of wall and fence. Withdrawn 17.10.05.

(Similar application to above but instead of a fence a higher 2.2 metre high wall with inset timber overlap panels was proposed to the south of the proposed garage.)

ZP/2005/0985 Pre-application enquiry for detached garage and erection of wall and fence. Refusal advised 12.10.05.

(1.8 metre high close-boarded fence stained in dark green or hedge advised to be appropriate rather than 2.2 metre high wall with inset fencing.)

P/2004/1277 Use of land as residential in association with 24 North Rocks Road. Permitted 14.09.04. Condition attached 'No Permitted Development'

Enforcement history relating to double garage;

Breach of Condition Notice dated 16th April 2008; in connection with use of garage as habitable accommodation (whilst building works on-going was considered to be acceptable)

P/1990/0047/OA Erection of one detached dwelling and garage (in outline) Refused 20.04.90. Appeal Dismissed APP/M1140/A/90/159049/P8

Applications relating to extensions to the existing bungalow (No.24);

P/2006/0136/PA Ground floor and dormer roof extensions including raising of the roof (Revised scheme). Permitted 17.03.06.

P/2005/0739/PA Ground and dormer roof extensions including raising of the roof (as revised by plans received 25.05.05.). Permitted 11.07.05.

ZP/2005/0235 Pre-Application Enquiry for Extensions. Split decision advised 21.03.05.

P/2004/0803/PA Single storey extension at rear to form larger kitchen, lounge and 2 bedrooms with en-suite facilities. Refused 01.07.04.

P/2003/1593/PA Single storey extension to rear to provide kitchen, bathroom, bedroom, lounge, dining area, office and en-suite with roof terrace over part to east side elevation to be accessed from 1st floor dormer roof bedroom extension. Refused 26.11.03.

P/1980/1300 Extension to form garage and bedroom. Permitted 10.07.80.

Applications relating to land to the south of the block of garages, opposite No. 2 North Rocks Road (similar sized piece of land);

P/1999/1943 Erection of detached bungalow. Refused 11.02.2000

Reason for refusal;

The proposal represents an overdevelopment of a very restricted site which would result in a cramped form of development out of character with the appearance and density of existing development to the detriment of the amenity of the area and would create a precedent for further similar undesirable proposals. As such it is contrary to Policies H3 and H17 of the Torbay Local Plan and Policies H14 and H15 of the emerging Deposit Version Local Plan.

Appeal dismissed 08.08.2000

Summary of reasons for dismissal;

1) The bungalow would be close to the front of the site with the north west corner coming within 1 metre of the back edge of the proposed footpath. Even with the garden area proposed the bungalow would be both physically and visually cramped on the further reduced curtilage.

2) A 1.8 metre high wall abutting the bungalow would give privacy to the garden but it would make the whole development unduly prominent by extending the built works across a large part of the frontage in close proximity to the footpath.

3) The over development of the site by a dwelling and its effect on the street scene, despite the existing garage block, would be wholly out of keeping with and harmful to the character and appearance of the adjacent estate of dwellings derived from their relatively spacious settings.

N.B. This site was also 270 Sq metres (although of a different shape with a road frontage of about 22 metres and the depth varying between 17 and 10 metres). It had recently been cleared of vegetation at the time of this appeal.

P/1999/0621 Erection of detached bungalow. Refused 17.06.99.

Appeal dismissed 05.11.99.

P/1989/2674 Erection of detached bungalow. Refused 02.04.90.

Appeal dismissed 14.01.91.

P/1988/1794 Erection of one dwelling. Refused 05.12.88.

P/1987/1164 Erection of dwelling and garage (in outline). Refused 28.08.87.

Key Issues / Material Considerations

The main issues with this proposal are as follows :

1) Effect of proposed development on the character and appearance of the surrounding residential area - The existing garage replaced a previous flat roofed single garage and lean-to car port. When it was approved it was considered to be a visual improvement on what was evidently quite an unsightly garage and open car port arrangement. However it has to be accepted that what was approved is considerably larger than a conventional double garage and is also visually prominent in the street scene especially as its west elevation immediately abuts the footpath. It is considered that the building is at its optimum size in terms of its impact within the street scene. This proposal introduces dormer windows to the south east and west elevations, a porch which would extend 1.8 metres into the garden on the southern side and also a two storey extension to the north elevation. These additions would totally transform the size and appearance of the existing garage and as a result it would be even more visually prominent in the street scene. The proposed new dwelling would incorporate the land the south upto the adjoining block of four lock-up garages. The general character of existing development in the immediate general area takes the form of detached houses or bungalows occupying narrow but deep plots. Many of the dwellings occupy the majority of the width of the plot with gardens to the front and rear. As noted by the Inspector in his recent decision letter which dismissed the appeal for a dwelling on the land to the south, this would similarly create a separate dwelling and curtilage which would be quite out of character with surrounding development and it would seriously detract from the street scene. The addition of another garage at the southern end of the plot adjacent to the existing block of four garages would further detract from the street scene and exacerbate the existing situation to create what in effect would be an even larger block of garages which have no architectural merit. Policy H9 requires all new residential schemes to take account of the defining characteristics of the existing environment and where possible enhance it. Because of the close proximity of the dwelling to the highway it would also give the development an over-dominant, cramped appearance which would be at variance with the more spacious layout of the surrounding bungalows. As such it would be harmful to the character and appearance of the streetscene.

In terms of the additional garden area being “segregated” from the original garden area by the double garage, the approved plans showed a gap to the rear of the garage which should have enabled access between the garden areas within the site and the site has not been viewed as a potential development site, with strict controls maintained by the removal of permitted development rights in order to maintain control over the erection of structures, hardsurfaces, accesses and means of enclosure, in order to protect the appearance of the land and the streetscene.

Whilst there is a presumption in favour of granting planning permission for housing and developing “previously developed” or “brownfield land” it is

considered that the above objections to the proposed scheme outweigh any benefits in respect of meeting housing needs.

Principle and Planning Policy -
Area Tree Preservation Order 90.03

In the saved adopted Torbay Local Plan 1995-2011 the following policies are relevant;

HS- Housing Strategy; sets out a sustainable housing strategy

H2- New housing on unidentified sites; promotes sustainable forms of new development

H9- Layout, design and community aspects; requires a high standard of design, taking into account characteristics of existing environment

H10-Housing densities; requires new development to be at maximum densities consistent with environmental objectives

BES-Built Environment Strategy; requires new development to conserve or enhance the built environment

BE1-Design of new development; requires design of new development to take account of the wider context

BE2-Landscaping and design; proposals for new buildings should incorporate landscaping of the site, at an appropriate scale, as an integral part of the design. Landscaping should relate to the character of the surrounding area and make the best use of the existing site features

LS- Landscape strategy; seeks to protect landscape setting from development which would harm or detract from local character and distinctiveness; within the urban area green space of local townscape and/or amenity value will be retained as open space

L8- Protection of hedgerows, woodlands and other natural landscape features; any development which affects such features should include mitigation measures to at least off-set any such harm and to provide new planting and/or suitable habitats

L9- Planting and retention of trees; development will only be permitted where trees of existing or potential landscape value will not be harmed as a result of development and can be retained; any proposals which affect such features should include mitigation measures to at least off-set such harm and provide new planting and/or suitable habitats

TS- Land use transportation strategy; encourages sustainable alternatives to the private car and provision for the needs of non-car users

T25- Car parking in new development; seeks to reduce dependence on private motor transport and encourages more sustainable modes such as walking and cycling; provision of a lower level of parking will be encouraged in areas well served by public transport

T26-Access from development on to the highway

CF6- Community infrastructure contributions; where additional social, physical or

environmental infrastructure is needed in order for development to go ahead, appropriate contributions, fairly and reasonably related in terms of scale and kind to the proposed development, will be sought from the developers

CF7- Education contributions

W7- Development and waste recycling facilities; new development will require the provision of appropriate and necessary facilities for the recycling, storage, treatment and removal of waste

Adjacent to;

L3 -Coastal Preservation Area

NC3 - Protected site - locally important site

Urban Design Guide LDD7 (May 2007) a Supplementary Planning Document adopted as part of The Torbay Local Development Framework 2005-2026;

A.2 Designers should consider the site's landform and character when laying out new development

A.3 Designers should integrate new development into its landscape setting to reduce its impact on nature and reinforce local distinctiveness

A.4 Designers should respond to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to one another, streets are connected and spaces complement one another

A.5 Designers should respond to local building forms and patterns of development in the detailed layout and design of development to reinforce a sense of place

A.6 Designers should consider the scale, massing and height of proposed development in relation to that of adjoining buildings, the topography, the general pattern of heights in the area, and views, vistas and landmarks

3.3

II Layout:Urban Grain

IV Scale: Height and Massing

VIII Landscape and Streetscape (...careful retention of existing natural features and trees)

Planning Contributions and Affordable Housing: Priorities and Delivery LDD6 (April 2008) a Supplementary Planning Document adopted as part of The Torbay Local Development Framework 2005-2026

PPS1 Delivering Sustainable Development;

(Par 17; "Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources" and

Par 18; "Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through

positive policies on issues such as design, conservation and the provision of public space".)

PPS3 Housing

Economy -

The construction work would provide employment for those engaged in the building trades

Closing the gap -

The provision of a new home will help meet shortages in supply

Climate change -

Building Regulations will require high standard of insulation etc.

Environmental Enhancement -

Any approval would require a landscaping/planting scheme to enhance the site.

Accessibility -

(highways, access, parking, cycle parking, legibility, pedestrian access, local services etc)

Vibrant Town Centres -

New dwelling with access to Paignton Town Centre.

S106 / CIL -

No contributions have been so far been formally requested but if members were minded to approve this application or it was allowed at appeal the following Developer Contributions would be applicable:

Sustainable Transport	£3, 610	(Towards the Dartmouth Road Cycleway)
Education (Primary only)	£1,660	
Lifelong Learning	£ 470	
Waste Management	£ 50	
Greenspace and recreation	Nil	(No facilities within 300 metres)

Conclusions

The proposed dwelling would be sited towards the road frontage with its garden to the side. It would be visually very prominent in the street scene and in this form it would be quite out of character with surrounding development and would seriously detract from the street scene. It would also set an undesirable precedent for similar developments on other plots.

Condition(s)/Reason(s)

01. The proposal constitutes an overdevelopment of a very restricted site, which would result in an over-dominant and cramped form of development which would be visually prominent in the street scene and would be out of character with the existing urban grain, appearance and density of existing development, to the detriment of the visual and residential amenities of the area. As such it is contrary to the objectives of Policies H9, H10, BES and BE1 of the saved adopted Torbay Local Plan 1995-2011 and guidance in LDD7 Urban Design Guide and government guidance in PPS1.

Informative(s)

01. The applicant is advised that although no contributions have been so far been formally requested but if members were minded to approve this application or it was allowed at appeal the following Developer Contributions would be applicable:

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Relevant Policies

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