

Application Number

P/2016/0840

Site AddressWheatridge Lodge
Wheatridge Lane
Torquay
TQ2 6RA**Case Officer**

Mr Scott Jones

Ward

Cockington With Chelston

Description

Variation of Condition re P/2015/0939 (Detached double garage with workshop and storage above to rear of property) Condition P1 Approved plans to increase size of garage and insertion of two additional rooflights.

Executive Summary/Key Outcomes

The application is for a number of changes to a recently approved householder proposal to provide a double garage to the rear of Wheatridge Lodge, Wheatridge Lane, Torquay. The development has been largely completed, more along the lines of the current application and not in accordance with the approved application.

The approved double garage was a gabled structure 8.6m wide by 7.25m deep with an eaves height of 2.2m and a ridge height of 6.3m. The approved structure was set in to the gentle garden slope with a ground floor slab level 0.3m above the adjacent highway to the southeast. A mature fir tree was identified to be removed as it sat within the footprint of the proposed building but a number of trees were shown to be retained around the building.

The proposed amendments relate to an "as built" structure, as Members will see on a site visit, which is substantially complete. The development has been electronically measured by Council engineers and the as built drawings, submitted with the current application, do not appear to accurately reflect the structure that has actually been built. Officers are seeking agreement on this matter with the applicant and members will be advised further at the Development Management Committee. For the purposes of this report the development is described and considered by reference to the Council's own measurements.

The changes include the re-siting of the building resulting in it being 1.7m closer to the boundary of the site on its southern corner (left hand side when viewed from Woodleys Meadow) and 0.6m closer to the boundary on its eastern corner (right hand side when viewed from Woodleys Meadow). The building is higher than approved. The slab level is set 0.47m higher than approved and the eaves height and ridges heights are 0.5m and 0.7m higher respectively than

approved. The footprint of the building has increased with a depth of 8.06m compared to 7.3m approved. The width is similar than that approved at 8.6m. The form of the building has changed slightly with two extra rooflights and solar panels provided in the roof. The setting has changed slightly with four surrounding, unprotected, trees having been removed since the previous decision was made (in addition to the fir identified for removal within the previous application).

Because of the various amendments and the change in context, following the subsequent removal of a number of trees, the building is considered to be demonstrably more prominent and more dominant than that which was originally approved. On balance, officers consider that the development is materially and significantly different to the approved scheme and causes harm to the character and visual amenity of the area, due to the resulting increase in its height, massing and prominence in the locality. Consequently the development as proposed is contrary to local plan policy DE1 (Design) and advice contained within the NPPF where great importance to the design of the built environment and good design is acknowledged (Paras 17, 56 and 64).

Recommendation

Refusal, for the following reason:

The alterations to the approved scheme, which result in an increase in the height of both the eaves and the ridge, together with the repositioning of the footprint which brings the building closer to the boundary with Woodleys Meadow, results in a building with an unduly bulky and prominent roof. The roof has a visually intrusive appearance and does not relate well to the surrounding built environment in terms of scale, height and massing, which has a detrimental impact upon the character and visual amenities of the area contrary to DE1 (Design) of the Local Plan and advice contained within the NPPF that seeks to secure good design (Paras 17, 56 and 64).

If Members agree this recommendation for refusal, then Members are also asked to support enforcement action by the Council to ensure the development accords with the plans previously approved.

Determination period

11th October 2016.

Site Details

The site accommodates a large two-storey detached dwelling set off the east side of Wheatridge Lane, Torquay, where the building is currently accessed via a short level drive and steps down to the main entrance.

The dwelling is contained within the front half of the plot and to the rear there is generous private garden space that is largely laid to lawn.

A number of trees have been recently removed to the rear of the site since the consideration of the previous application.

The rear border of the plot abuts a public right of way that links Wheatridge Lane with Woodleys Meadow. Adjacent to this now sits a substantially complete garage structure.

There are no built or landscape designations over the land or land immediately adjacent.

Detailed Proposals

The application is for a variation to the approved plans condition attached to P/2015/0939, which granted consent for a garage on the site, to allow a number of amendments to the scheme and consent for the substantially complete structure that has been constructed on the site.

The structure is sited differently to that approved and is closer to the rear boundary of the site. The left-hand corner when viewed from Woodleys Meadow is 1.7m closer and the right-hand corner is 0.6m closer to the rear boundary of the plot.

The building is higher than approved with an increase in the slab level of the building and the resultant eaves and ridge heights. The slab level is set 0.47m higher approved and the eaves height and ridges heights are 0.5m and 0.7m higher than approved.

The footprint of the building has increased with a depth of 8.06m compared to 7.3m approved. The width is similar than that approved at around 8.6m.

The form has changed slightly with two extra rooflights provided in the roof with three in each of the roof slopes.

Finally the setting has changes slightly with four adjacent trees having been removed since the previous decision in addition to the fir identified for removal within the last application.

Summary Of Consultation Responses

Highways Department: Previously recommend that the applicant make allowance for a 2m visibility splay exiting the new access, on the south-west side, for the safety of pedestrian movement.

Summary Of Representations

11 representations. The key issues raised include:

- Loss of privacy from the additional openings

- The re-siting and additional size of the structure make it unduly prominent and visually harmful to the area
- The loss of the trees makes it more prominent
- Safety concerns in regard to pedestrians using the footpath
- Concerned over the potential to use the structure for business or habitable purposes
- Impact of additional parking and vehicular movement in Woodleys Meadow
- Appears a building designed for residential use
- Impact of vehicles across the land adjacent
- Impact from business use of the building
- Loss of privacy from inter-looking
- Remains an overdevelopment of the site

Relevant Planning History

P/2015/0939 - Detached double garage with workshop and storage above to rear of property (as revised by plans received 01.03.2016) - Approved 19.04.2016

Key Issues/Material Considerations

It is not an offence to build without planning permission or to fail to comply with the terms of a planning permission. However anyone who does build without necessary consent does so at their own risk that the local planning authority can decide to take enforcement action to remedy any harm that has been caused. A decision on any application for retrospective planning permission must be made on planning merit alone, taking into account all relevant material considerations.

Planning permission P/2015/0939 is extant, this is a material consideration.

The key issues therefore are comparisons between the scheme that was approved under permission P/2015/0939 and that which has been built in regard to visual impact, impact upon adjacent occupiers and local amenity, and highway and movements impacts.

1. Visual impact

The changes that alter the character and appearance of the structure and its resultant visual impact upon the area are discussed below.

In terms of scale, the building is bigger and higher than that previously approved. The depth has increased by approximately 0.7m to just over 8 metres which presents an increase in the footprint of around 11% to that approved. The base of the building is 0.47m higher than approved and the resultant as built eaves and ridges heights are 0.5m and 0.7m higher respectively than approved.

In terms of prominence, aside the increase to the height and massing of the building, there are two further factors to consider. Firstly the building has been built closer to the rear boundary of the plot and this results in the building being

more prominent when viewed from Woodleys Meadow and the Public Right of Way to the south and southeast. The left hand corner (when viewed from Woodleys Meadow) is now only 2.7m from the edge of the plot where previously it was 4m, and the right hand corner is 5m where previously it was 5.6m. This relocation towards the rear boundary naturally makes the building more prominent within the locality. The second factor to consider is that there has been the removal of a number of trees that were present when the previous proposal was considered and which were identified to be retained within the approved plans. The removal of these trees has resulted in the loss of the natural screening that was previously present and has made the structure far more visible and prominent within the locality.

Solar panels have been installed in the roof of the building. These elements add clutter and increase the number of materials previously approved (which constituted a simple palette of materials). However, the solar panels could have been added, under Permitted Development rights, to the approved structure once built and hence their presence is considered acceptable in the as built proposal.

A summary of the difference between the approved building and the proposed/as built building is outlined below.

Element of the building	Approved scheme	Proposed/as built scheme	Difference
Width	8.60	8.60	0.00
Depth	7.30	8.06	+0.76m
Slab height (above datum)	0.30	0.67	+0.47m
Eaves height (above datum)	2.50	3.00	+0.50m
Ridge height (above datum)	6.60	7.30	+0.70m
Proximity to edge of plot (left hand corner viewed from Woodleys Meadow)	4.00	2.7m	-1.30m
Proximity to edge of plot (right hand corner viewed from Woodleys Meadow)	5.60	5.00	-0.60m

Having considered the various amendments and the change in context following the subsequent removal of a number of trees, the as-built structure is more prominent and more dominant than that which was approved. The combined impact of these factors causes unacceptable harm to the character and visual amenity of the area.

Having considered matters of scale, design and setting the revised proposal conflicts with the aims and objectives of Policy DE1 (Design) of the Torbay Local Plan 2012-2030 and advice contained within the NPPF where great importance to the design of the built environment and good design is acknowledged (Paras 17, 56 and 64).

2. Amenity impact

The changes that alter the likely impact upon local amenity are discussed below.

The provision of a larger domestic garage with secondary workshop/storage space above that is solely used for purposes that are incidental to the occupation of the associated dwelling is still considered unlikely to affect neighbour amenity in terms of noise and general activity.

The increase scale and height of building in the revised location would also result in an overbearing structure that would result in loss of outlook or light.

In terms of overlooking and loss of privacy, the upper floor void space is now served by six roof lights rather than four in support of the windows in each side gable. Previously it was considered that adjacent amenity could be appropriately managed through the retention of the screening and by obscuring certain openings in order to remove sensitive sightlines. As built, there is demonstrable harm to adjacent amenity through direct overlooking from the upper floor openings as there is no obscure glazing present within the upper floor. Although presently unacceptable it is considered that neighbouring amenity could be appropriately protected by use of obscure glazing in certain openings and permanently fixing the most sensitive of those so that sightlines are not introduced by an operating opening. As overlooking impacts can be appropriately managed by condition it is not in itself considered to present an unmanageable degree of harm that should warrant refusal.

Should members decide to grant consent for the scheme it is recommended that a condition is imposed to ensure that, prior to the first use of the building, obscure glazing is fitted within the north-east gable window, that the two eastern facing rooflights closest to Number 14 Woodleys Meadow also be obscured and fixed at all times, and the most northerly western facing rooflight closest to the boundary with East and West Winds is obscured, in order to remove the potential impact of unsatisfactory overlooking. This is aligned with the condition attached to the previous approval and the altered context following the re-siting of the building.

Subject to suitable obscure glazing and the fixing of two rooflights nearest to Number 14 Woodleys Meadow prior to the first use and retention at all times thereafter the development is considered to retain suitable levels of amenity and would comply with Policy DE3 of the Torbay Local Plan 2012-2030.

3. Highway and movement impact

The impact of the changes on the highway network and related issues are discussed below.

The proposal retains garage parking that exceeds the minimum size standards for garages as outlined within the Local Plan and hence they will comfortably fit a

car and provide adequate manoeuvring space around the vehicles within the building.

The revised siting of the building has reduced the length of the driveway below that which is generally sought by Highway Engineers, which is considered to be 5.5m for driveways as a minimum and ideally 6m to ensure that is no conflict with an up and over door (or similar). This seeks to ensure against the use of land, for car parking, not in the applicant's ownership. In the circumstance this is unlikely to present conflict as the access and boundary is not bordering a traditional or narrow footpath where there will be movement close to access point. However, the situation is not ideal. A second point of concern raised by the amendments is the reduced space that is available to access the garage openings brought about by its relocation closer to the plot's boundary. The oblique entry point to the left hand garage space appears challenging if not unworkable. Again this is not ideal, but the plot benefits from parking at the front to supplement this and, as such, this issue does not in itself warrant refusal of the application.

As the plot benefits from a combined parking arrangement that will exceed the requirements of the local plan the amended layout is, on balance and notwithstanding some concern in terms of the servicing and access to the spaces, considered acceptable and broadly compliant with Policies TA2 and TA3 Torbay Local Plan 2012-2030.

S106/CIL

N/A.

Conclusions

On balance the proposal is recommend for refusal, due to the impact of the changes in comparison to the approved scheme upon the character and visual amenities of the area caused by the additional height, massing and greater prominence of the structure in the locality. This is due to its re-siting closer to the edge of the plot and also through the loss of the trees that would have provided some screening and softening of the structure).

Cumulatively the amendments are considered to result in a demonstrable negative impact between it and the previously approved structure in terms of visual amenity.

As it stands that structure presents demonstrable harm to amenity through direct overlooking of adjacent properties. However this could be suitably managed through condition and hence it is not considered reasonable to refuse the application on this ground.

Should members decide to grant approval, officers recommend that a condition requiring the obscure glazing of certain openings and fixing shut those that cause

unacceptable harm in terms of overlooking should be imposed.

As a result of the changes the building is considered to have a visually intrusive appearance and does not relate well to the surrounding built environment in terms of scale, height and massing, which has a detrimental impact upon the character and visual amenities of the area. The application is therefore considered contrary to DE1 (Design) of the Local Plan and advice contained within the NPPF that seeks to secure good design (Paras 17, 56 and 64).

Relevant Policies

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