

**Application Number**

P/2016/0932

**Site Address**42 Whidborne Avenue  
Torquay  
TQ1 2PQ**Case Officer**

Mr Robert Pierce

**Ward**

Wellswood

**Description**

Demolition of dwelling and proposed replacement dwelling.

**Executive Summary/Key Outcomes**

This is a full planning application which along with a concurrent outline planning application seeks the demolition of the existing single storey bungalow and its attached double garage and their replacement with two modern style detached dwellings within a sub-divided plot (42 and 42a). This application relates to the construction of one detached dwelling on the western side of the site, noted as plot 42 on the submitted plan.

The proposed dwelling would be three storeys in height and would have a contemporary appearance. It would have a flat roof and would be predominantly finished in white render. A distinctive projecting corten steel fascia box is proposed on the front elevation that would sit above the double garage. The first floor windows on the front elevation would be notably recessed into the dwelling. The rear elevation would contain extensive glazing. The proposed dwelling would be sited further forward than the main front building line of the existing dwelling. There would also be an increase in the scale of development on the site as a result of this proposal.

Vehicular access to the site would be from the existing access. The proposal includes construction of a 2 metre high stepped garden wall on both the western and northern boundaries of the site which would be finished in render with a stone coping on top. The proposal includes provision of balconies and terraces at the rear at lower ground, ground floor and first floor level.

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. As such the proposal is consistent with Policies DE1 (Design) and DE3 (Development Amenity) of the Torbay Local Plan 2012-30.

Due to the site being within the Critical Drainage Area as designated by the Environment Agency details of the surface water drainage strategy are required to be submitted prior to planning permission being granted, as set out in Policy ER2. This information is awaited.

A considerable number of objections to the proposed development have been received.

### **Recommendation**

Conditional Approval (conditions at end of report) : Subject to the submission of details of a surface water drainage system that will not result in any increased risk of flooding to properties or land adjacent to the proposed development for the critical 1 in 100 year storm event plus 30% for climate change, these details to be to the satisfaction of the Executive Head - Business Services.

### **Statutory Determination Period**

8 weeks Extension of time agreed.

### **Site Details**

The site is currently occupied by a a bungalow style of dwelling which has a limited amount of accommodation included at first floor within its roof form, that has a distinctive 'eye - brow' dormer to the front. The site has a broad street frontage with two existing vehicular driveways. The appearance of dwellings in the vicinity of the application site is not uniform, however the characteristic form of buildings along this suburban street is for them to be wide-fronted with their main roof pitches orientated parallel to the highway and smaller secondary gabled features presenting perpendicularly to the street. Whidborne Avenue is sloping at the application site, and No 42 occupies a position that is slightly before a small summit in the street is reached (which occurs further to the west). The plots along this side of Whidborne Avenue have far reaching views to the rear and their roof line is clearly visible from certain locations on the other side of Ilsham Valley, in particular from Kent's Cavern and the lower end of Higher Warberry Road. A public footpath runs alongside a recently constructed 2 metre high wall which defines the side (west) and rear (north) boundaries of the site. This footpath follows the steep slope down to Bishops Rise.

### **Detailed Proposals**

The plans indicate that the proposed dwelling would be sited within the western half of the sub-divided site (plot 42) and would be set slightly further forward than the building line of the existing property. It would be split level with the site being excavated to allow the new dwelling to be partly set down. The proposed dwelling would be of a modern flat roofed design and would be slightly lower than the ridge height of the existing property.

The resulting accommodation would be arranged on three levels as follows:  
Lower Ground Floor - Integral double garage, utility room and two en suite bedrooms leading out onto a rear garden terrace, ground Floor - entrance porch leading to a hall/reception area and open dining, kitchen and living areas with the latter leading out onto a balcony with steps leading down to the garden. First floor - master bedroom with folding patio doors leading out onto a roof terrace, large

en suite facilities and a dressing room.

The external finishes would be white smooth render with a feature Corten steel Clad box projecting out to the front elevation above the double garage. The windows would have black steel frames. The driveway will be surfaced with permeable paving slabs. Details of the wall that is under construction alongside the public footpath have also been submitted as part of this application. The drawings indicate that it will have a rendered finish with stone coping on top. In the interests of biodiversity the wall will accommodate bird nesting boxes with frog and hedgehog highways built in along the whole wall.

### **Summary Of Consultation Responses**

Highways Engineer: No objections subject to details of the design and calculations of the wall that has been built alongside the public footpath to the side and rear of the property.

South West Water: No objection.

Drainage Engineer: There are no details of the proposed location or design for the soakaway. The developer must carry out trial holes and infiltration tests in accordance with BRE 365 at the location and invert level of the proposed soakaway. These infiltration tests are required in order to confirm that the ground conditions are suitable for a soakaway and in addition the infiltration rates will be used to design the required soakaway. At each trial hole three tests must be carried out with the lowest test used in the design of the soakaway.

### **Summary Of Representations**

2 letters in support

32 representations objecting

Main issues raised:

- Impact on local area
- High density of the site
- Design will date quickly
- Impact on open aspect
- Increase in vehicular movements to and from the site
- Loss privacy from balconies
- Will alter the skyline
- Visual appearance of the new boundary wall
- Out of character with the area
- Will set a precedent for multiple builds
- Impact on immediate neighbour (No 40) -loss of light, noise from the terrace
- Closure of gap.

### **Relevant Planning History**

P/2016/0933 - Dwelling in Outline on Plot 42a - concurrent application.

The following application relates to a nearby site and is considered relevant to the consideration of this proposal.

P/2012/0896 - Formation of two dwellings - 2 Whidborne Close - Approved 29.07.2013.

### **Key Issues/Material Considerations**

#### **General Principle and Planning Policy -**

The plot has an established residential use and sits within a wider residential estate that is mostly comprised of single dwellings set in defined uniform plots some of which have already been sub-divided and redeveloped including the scheme for two modern houses currently under construction at 2 Whidborne Close. The sub division of the plot maintains the residential use of the site, which is commensurate with the established use and local character and which makes the best use of the built up area by providing an additional family home. It is noted that this plot is wider than plots to the east and its subdivision is not considered to have an adverse impact on the character of the area. As such the principle of subdivision of the plot would be consistent with the objective in Policy DE1 of respecting the local character.

#### **Visual Impact -**

The flat roof design and modernist form to the elevations, which feature clean render and a Corten Steel Clad projecting box to the front elevation reflects the regeneration genre that is becoming favoured in the area and noticeable in pockets throughout Whidborne Avenue, Whidborne Close, Thatcher Avenue and Ilsham Marine Drive.

The site will be partly excavated which will allow the integral garage to be set down and the upper floor will be recessed by approximately 1 metre above the Corten Steel Clad projecting box. As a result it is not considered that the proposed new dwelling will be visually prominent within the street scene.

The rear of the properties along Whidborne Avenue are visible from distant views from across Ilsham Valley. However because the proposed dwelling will be no higher than the ridge height of the existing property it is not considered that it will be visually prominent within this row of houses.

The proposal would increase the scale of the built form on this half of the site, particularly adjacent to the western boundary. It is considered that this increase in the extent of the built form would be acceptable in this location and would be consistent with the established character of the area. Due to the public footpath that runs along this boundary a visual gap between the site and number 44 Whidborne Avenue would be retained. The part of the proposed dwelling on the western side of the site would be two storeys in height and therefore would have

an acceptable relationship with the adjoining property, and would not be out of character with the established form of development in the area.

The proposal is considered to provide residential development that is appropriately scaled and formed, would sit comfortably within its surroundings and thus preserve the character and appearance of the street scene. As such the proposal would accord with Policy DE1 of the Torbay Local Plan 2012-30.

As a result of discussions with the agent it is proposed to plant a significant tree in the middle of the plot next to the road frontage. The idea is to select a specimen which once fully matured will grow to a height above the two proposed dwellings. Its foliage would then be visible from across Ilsham Valley and add a verdant backdrop to the rooflines. It would also result in making a positive contribution to the public domain by introducing a mature specimen (as opposed to ornamental planting) within the street scene.

#### **Residential Layout -**

The proposed detached dwelling has adequate separate parking and outdoor amenity space, offered through balconies, terraces and gardens. The internal space is considered spacious and features rooms of an acceptable scale with adequate natural lighting and outlooks in order to offer a good residential environment. The proposal is considered to offer an acceptable residential environment for future occupants. As such the proposal would accord with Policy DE3 of the Torbay Local Plan 2012-30.

#### **Neighbour Amenity -**

In terms of immediate neighbours, No 44 Whidborne Avenue is well separated from the west boundary of No 42 by a public footpath and an adjoining strip of woodland. This level of separation between the two plots is considered to be enough to avoid any overbearing impact or overlooking from the proposed balcony and roof terrace to the rear of the property.. It is not considered that the proposed dwelling will have any negative impact on No 40 Whidborne Avenue as the gap between the two properties will be separated by the proposed dwelling in the other half of the plot which is subject of the Outline Planning Application. Also the proposed first floor terrace will be orientated to the opposite direction and will be screened from view due to the 'L' shape of the floor plan. Consequently the proposed dwelling will be consistent with the objectives of Policy DE3 (Development amenity) in the Torbay Local Plan 2012-30.

#### **Highway, Parking and Access -**

The proposed dwelling would utilise the existing vehicular and pedestrian access which would serve a large integral double garage which would be set down below the level of the road frontage following excavation of part of the site. The Highway Engineer has raised no concern in regard to utilising this established access arrangement and the level of parking is considered in line with policy guidance.

Local residents have raised concern about the increase in traffic that would result from subdividing the existing plot. It not considered that the level of additional vehicular movements that would be generated from one additional dwelling in this location would be significant enough to justify refusing planning permission. Consequently the proposed development would be consistent with Policy TA1 (Transport and accessibility) in the Torbay Local Plan 2012-2030.

### **Ecology -**

A Preliminary Ecological Assessment has been carried out and this has confirmed that no evidence of bat use or nesting bird activity was found in association with the roof or eaves of the property and therefore the proposed demolition of the existing bungalow will not impact on bats or nesting birds.

On the submitted plan it is indicated that an existing hedge along the western boundary of the site will be removed and will be replaced by a garden wall. The design of the proposed garden walls on the north and west boundaries would incorporate bird nesting boxes and frog and hedgehog highways.

### **Conclusions**

The principle of sub-dividing the plot to form two dwellings is considered acceptable as the plot is of sufficient size and has enough natural frontage to accommodate them, without having a harmful impact on the character of the area. The proposed dwelling will sit quite comfortably within one half of the site.

The scale and design of the proposed dwelling reflects the style of recently approved redevelopment proposals in the area for clean-lined 'marine' inspired properties. It respects the roofline of properties along Whidborne Avenue and will not be visually prominent along the ridgeline from distant views across the valley to the rear.

The design and orientation of the proposed dwelling has addressed any issues of overlooking and loss of privacy to the immediate neighbours.

Highway safety for all users is protected by utilising the existing vehicular access with on site parking at a level that would mitigate any additional pressure for on-street parking (which is however low in this area).

All matters considered the scheme is considered to sit comfortably with local policy guidance and national guidance for the presumption in favour of sustainable development.

### **Condition(s)/Reason(s)**

01. The development shall not be used/occupied until the vehicle parking areas shown on approved detailed plans have been provided and made

available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy TA3 of the Torbay Local Plan 2012 to 2030

02. Implementation of surface water drainage scheme prior to occupation of the dwelling.
03. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Classes A, B, and C of Part 1, Schedule 2 (which includes enlargement, improvement or other alteration, shall be constructed (other than hereby permitted, or unless the prior written consent of the Local Planning Authority has been obtained).

Reason: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity. This is in accordance with Policies H1, DE1, DE3 of the Torbay Local Plan 2012-2030.

04. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - (a) the parking of vehicles of site operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials used in constructing the development
  - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (e) wheel washing facilities (f) measures to control the emission of dust and dirt during construction
  - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - (h) measures to minimise noise nuisance to neighbours from plant and machinery.

The approved Statement shall be adhered to throughout the construction period.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring

uses and in the interests of the convenience of highway users.

05. Notwithstanding drawing reference No 01 Rev A, prior to the occupation of the dwelling, full details of hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority.

Details of hard landscape works shall include means of enclosure, boundary and surface treatments. Details of soft landscape works shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. In terms of biodiversity, details shall include measures for biodiversity mitigation and enhancement, such as retention of hedges and trees where possible, replacement habitat features for any lost, planting schemes of benefit to biodiversity, incorporation of bird and bat box features; information shall also be provided on how these features are to be maintained in favourable condition to support biodiversity. The proposed landscaping scheme shall be implemented in full in the next planting season (October to March) following the approval of the submitted details. In the event of failure of any trees/plants, planted in accordance with any approved scheme, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees/plants shall be replaced.

Reason: In the interests of biodiversity and to secure a landscape scheme that will complement the development in the interests of visual amenity in accordance with Policies DE1 and NC 1 of the Torbay Local Plan 2012 to 2030.

06. No vegetation removal shall be undertaken during bird nesting season (March-September) unless a pre-works check is carried out by a suitably qualified ecologist to ensure that nesting birds are absent.

Reason: To prevent harm to nesting birds in accordance with Policy NC1 of the Torbay Local Plan 2012 to 2030.

07. Prior to construction above the damp proof course level, an External Materials Schedule shall be submitted to and approved in writing by the Local Planning Authority showing full details of all external materials of the dwellings, including specification and images. Development shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of

the conservation area in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

**Relevant Policies**

H1 - New housing on identified sites

DE1 - Design

DE3 - Development Amenity

ER1 - Flood Risk

ER2 - Water Management

TA3 - Parking requirements

TA2 - Development access

DE4 - Building heights

NC1 - Protected sites - internationally import