

Application Number

P/2017/0259

Site Address42 Whidborne Avenue
Torquay
TQ1 2PQ**Case Officer**

Mr Robert Pierce

Ward

Wellswood

Description

Resubmission of application P/2016/0932/PA- Demolition of dwelling and proposed replacement dwelling with associated works.

Executive Summary/Key Outcomes

This is a slightly modified re-submission of a full planning application which seeks permission to demolish the existing bungalow and replace it on part of the original plot with a new dwelling. It has been submitted in tandem with an outline application (all matters reserved except access) for a second dwelling within the 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 original application was refused by Members at their meeting in November 2016 for the following reasons:

- 1) The proposed development by reason of its scale, bulk and design would constitute overdevelopment of the site and would result in a form of development that would be out of keeping with the established character of the area. The proposal would therefore be contrary to Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and Paragraphs 58, 60, 63 and 64 of the National Planning Policy Framework.
- 2) The site is within a Critical Drainage Area designated by the Environment Agency. Within this area all new development has to demonstrate that it would play its part in reducing current rainfall run-off rates. The applicant has failed in the application submission to demonstrate that surface water from the proposed development will be managed to ensure that an overall reduction in flood risk is achieved, and therefore the proposal is contrary to policies ER1 and ER2 of the Torbay Local Plan 2012-2030 and paragraph 103 of the National Planning Policy Framework.

The proposed dwelling would sit within the western half of the plot and would be three storeys in height with a contemporary appearance. It would have a flat roof with its elevations being predominantly finished in white render. The first floor on the front elevation would be recessed into the dwelling. The rear elevation would

contain extensive glazing including the provision of balconies and terraces at lower ground, ground floor and first floor level. 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 also seeks retrospective consent for the 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.

There have been a number of amendments to the previous scheme with the main differences as follows:

- 1) The replacement of corten steel on the projecting element to the front elevation with timber cladding
- 2) Further recessing of the glazed first floor to the front elevation
- 3) Main entrance re-arranged
- 4) Recessed front door and parapet wall over cladded projection
- 5) Colour of steel windows
- 6) Use of cedar wood for garage and main entrance doors.

The applicant has sought to overcome the reasons for the refusal of the previous application by providing a spatial and density analysis of the surrounding area, the submission of a design for surface water drainage and making a number of changes to the design of the dwelling.

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), DE3 (Development Amenity) and DE4 (Building Heights) of the Torbay Local Plan 2012-30. Further information is required in respect of drainage which is awaited.

The application has been referred to Development Management committee due to the number of objections that have been received. These refer to a number of issues including impact on amenity of the area, overlooking, the design and density of the proposed development.

Recommendation

Conditional Approval (conditions at end of report) subject to the submission of the results of a third infiltration test to conclude the submitted geotechnical report, agreement of which and final drafting of conditions to be delegated to the Executive Head Business Services,

Statutory Determination Period

8 weeks 7th May 2017.

Site Details

The site is currently occupied by a vacant 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. A public footpath (which follows the steep slope down to Bishops Rise) and a wedge of vegetation runs alongside the western boundary of the site, with the vegetation providing effective screening to the property next door (44 Whidborne Avenue). 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. More distant views are also present from Walls Hill above Ansteys Cove. A recently constructed 2 metre high wall runs alongside the footpath and defines the side (west) and rear (north) boundaries of the site.

The application site backs onto land identified in the Local Plan as an Urban Landscape Protection Area (Ilsham Valley/Lincombe Slopes)

Detailed Proposals

This application is for full planning permission for the demolition of the existing dwelling on the site and the construction of a single detached dwelling on half of the plot.

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. As a result the building would appear as two storeys from the front elevation and three storeys from the rear. 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 timber clad box projecting out to the front elevation above the double garage. The windows would have grey steel frames. Vehicular access would be from the existing access off Whidborne Avenue. The driveway will be surfaced with permeable paving slabs. Details of the recently constructed boundary wall 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.

South West Water: No objection.

Drainage Engineer: The submitted geotechnical report has been assessed but the applicant should provide the results of a third infiltration test.

Urban Design Consultant: No robust reason for objecting to the proposal. More detailed comments/advice below.

Summary Of Representations

Several letters in support.

Numerous 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
- Noise from contractors (Not a planning issue)
- Loss of views (Not a planning issue)
- The style is out of keeping
- Flood Plain issues
- Forward of the building line
- Breach of covenants (Not a planning issue).

Relevant Planning History

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

P/2016/0932 - Replacement Dwelling - Refused 30.11.2016

P/2016/0933 - Sub division and form new Dwelling (in outline) - Refused 30.11.2016.

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 plots some of which have already been sub-divided and redeveloped including a 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.

In support of the application the agent has produced a plan and planning statement which has analysed the width and densities of plots within the immediate surrounding area. This analysis indicates that the proposed sub-division of the plot would not be out of character with the area, there are a number of plots within the area which are as densely developed, if more densely than the proposed subdivision and also which have similar or shorter plot widths. The plots once subdivided would have plot widths of between 15.5 metres and 16 metres. The design advice to Officers is that this analysis shows that the development form is in general conformity with the plot density and plot widths elsewhere in the neighbourhood. As such the principle of subdivision of the plot would be consistent with the objectives in Policies DE1 and DE3 of respecting the local character and plot densities.

Visual Impact -

The flat roof design and modernist form to the elevations, which feature clean render and a timber 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 further recessed above the timber clad projecting box. As a result it is not considered that the proposed new dwelling will be unduly 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 unduly 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 design advice/guidance that Officers have received notes that whilst clearly adopting a more contemporary and innovative style of architecture than its near neighbour, the proposed development is a detached family dwelling that is set to an imprecise/informal 'building line' back from the street edge providing good-sized front and rear gardens. The height is at the upper level of what might be considered to be appropriate but is similar to other examples nearby. Whilst the architectural style is a new departure (although some houses within the wider neighbourhood are similar) the fundamental characteristics of the context are respected.

The National Policy Framework (NPPF) generally discourages local policy and decision making that is based on stylistic preference except where Conservation Areas exist or perhaps where an adopted Neighbourhood Plan has a specific policy based on some careful analysis providing evidence of a locally distinctive approach. NPPF para 60 states that: Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

The proposal is therefore 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 Policies DE1, DE3 and DE4 of the Torbay Local Plan 2012-30.

It is also proposed to plant a significant tree to the front of 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 and would contribute to the creation of a high quality landscape.

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 the residential amenity enjoyed by the occupiers of No 40 Whidborne Avenue because the gap between the two properties will be separated by the proposed dwelling on 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 floorplan. 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. It would have 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 Policies TA1 (Transport and accessibility), TA2 (Development Access and TA3 (Parking requirements) 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. The design of the retrospective garden walls on the north and west boundaries incorporate bird nesting boxes and frog and hedgehog highways and accords with Policy NC1.

Flood Risk –

A Surface Water Drainage Design Report has been submitted which has been assessed by the Council's Drainage Engineer. Before planning permission can be granted the results of a third infiltration test is required to ensure the proposals accord with Policy ER1.

Statement on Human Rights and Equalities Issues-

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights.

In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Equality Act - No issue

Statement on proactive working -

The Officers have worked closely with the agent and applicant from the pre - application advice stage through to discussions on the current scheme.

Local finance considerations-

Not applicable.

Statement on CIL Liability-

Not applicable.

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 onsite 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 the provisions of the development plan and national guidance for the presumption in favour of sustainable development and is therefore recommended for conditional approval.

Condition(s)/Reason(s)

1. 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

2. Implementation of an approved surface water drainage scheme prior to occupation of the dwelling.
3. 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.

4. 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.

5. Notwithstanding drawing reference No 01 Rev B, prior to the occupation of the dwelling, full details of hard and soft landscape works, the details of the proposed specimen tree to the front boundary, together with 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 NC1 of the Torbay Local Plan 2012 to 2030.

6. 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.

7. 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.

Informative(s)

1. 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

H1 - New housing on identified sites
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
TA2 - Development access
TA3 - Parking requirements
NC1 - Protected sites - internationally import
ES1 - Energy
SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
C5 - Urban landscape protection areas