

Application Number

P/2017/0260

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

Mr Robert Pierce

Ward

Wellswood

Description

Resubmission of application P/2016/0933/OA - Demolition of dwelling and proposed replacement dwelling shown as 42A (in outline).

Statutory Determination Period

8 weeks 7th May 2017

Site Details

The site forms the eastern half of a plot that is currently occupied by a predominantly single-storey dwelling which has a limited amount of accommodation included at first floor within its roof form which has a distinctive 'eye - brow' dormer to the front. The site has a broad street frontage with two existing vehicular driveways. 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 here 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.

Detailed Proposals

The application is for outline planning permission which seeks approval for the principle of developing plot 42a. The applicant has applied only for the details of access to be agreed. Layout, scale, appearance and landscaping would be agreed at reserved matters stage. The access into the site would utilise the existing vehicular and pedestrian opening onto Whidborne Avenue. In order to set out the design parameters of any subsequent reserved matters application, a Design Guide and indicative plans have been submitted. The indicative plans show that after the sub division there would be a gap between the two properties with the party boundary being defined by a proposed griselinia hedge. The footprint of the

additional dwelling would be set back from the highway by approximately 11.35 metres with a building height defined by the roofline of the existing bungalow and natural slope of the site. The design would be as a "mirror" to compliment the style of the proposed replacement on the other half of the plot and will incorporate similar external materials.

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)
- 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/2017/0259 - Replacement dwelling 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 dense, if not denser 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 layout, scale, and appearance of the proposed dwelling are reserved matters and are not for consideration as part of this application. However the Design Guide which has been submitted to inform the proposal indicates that there is an opportunity to construct an additional dwelling which will mirror the style and design of the replacement dwelling.

There is a linear form of development along Whidborne Avenue. There would be sufficient room on the application site for a dwelling that reflects the established grain and form of development in the area to be provided.

As a result it is not considered that the principle of constructing the proposed new dwelling would result in a form of development that would be visually prominent within the street scene.

The rears of the properties along Whidborne Avenue are visible from distant views from across Ilisham Valley. Providing the proposed dwelling would be lower than the ridge height of the existing property it is not considered that it will be visually prominent within this row of houses.

As such the proposal would accord with Policy DE1 (Design) and DE4 (Building

Heights) of the Torbay Local Plan 2012-30.

Residential Layout -

There would be sufficient space on the site for a detached dwelling to provide adequate parking and outdoor amenity space which would offer an acceptable residential environment for future occupants. As such it would be consistent with Policy DE3 (Development Amenity) in the Torbay Local Plan 2012-2030.

Neighbour Amenity -

The existing dwelling on the site is located a minimum of 2.5 metres from the boundary with 40 Whidborne Avenue. There would be sufficient space on the site to maintain this level of separation to the adjoining dwelling. Subject to sensitive design a new dwelling could be provided that would have an acceptable relationship with the neighbouring property.

Consequently the principle of constructing a dwelling on this site would be consistent with the objectives of Policy DE3 (Development amenity) in the Torbay Local Plan 2012-30.

Highway, Parking and Access -

The proposed dwelling will utilise the existing vehicular and pedestrian access which will serve a large integral double garage. The Authority's Highways Department do not raise any concern in regard to utilising this established access arrangement and the site is capable of providing a level of parking that would be in line with policy guidance.

Local residents have raised concern about the increase in traffic that would result from subdividing the existing plot. It is 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.

It is noted that the proposed garden wall on the north boundary would incorporate bird nesting boxes and frog and hedgehog highways.

It is considered that the proposals accord with Policy NC1 (Biodiversity and Geodiversity)

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.

Equalities 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 site is of sufficient size to allow a dwelling that would respect the character and appearance of the existing townscape and not result in harm to the residential amenity of adjoining occupiers.

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

The scheme is considered to sit comfortably with local policy guidance and national guidance for the presumption in favour of sustainable development and is therefore recommended for conditional approval.

Condition(s)/Reason(s)

1. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years

from the date of this permission: (i) layout; (ii) appearance (including schedule of external materials to include hard-surfaced areas) and (iii) landscaping (to include soft landscaping, boundary treatments and all means of enclosure)The reserved matters shall be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The Access of the development to which the permission relates shall not be carried out other than in accordance with the following approved Drawing No: 2289.01A.

Reason: For the avoidance of doubt and in the interests of the appearance of the site and the amenity of neighbouring premises. In accordance with Policy TA2 of the Torbay Local Plan 2012-2030.

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. Implementation of an approved surface water drainage scheme prior to occupation of the dwelling.
5. 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.

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

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

TA2 - Development access

TA3 - Parking requirements

H1 - New housing on identified sites

DE1 - Design

DE2 - Building for life

DE3 - Development Amenity

DE4 - Building heights

ER1 - Flood Risk

ER2 - Water Management

ES1 - Energy

C5 - Urban landscape protection areas