

**Application Number**

P/2017/0471

**Site Address**Oddicliff  
Higher Downs Road  
Torquay  
TQ1 3LD**Case Officer**

Verity Clark

**Ward**

St Marychurch

**Description**

One new house and demolition/remodelling of the existing house (within 15m of Babbacombe Downs Conservation Area).

**Executive Summary/Key Outcomes**

The application site is a detached dwelling that is located on Higher Downs Road, Torquay. The proposal seeks to demolish a two storey section of the existing property forming a matching hipped roof. The proposal also seeks to subdivide the plot with the addition of a new dwelling within the North West section of the site and associated new access and driveway.

The principle of new residential development is accepted and the proposal is considered to be of a suitable size, scale, massing and visual appearance for the plot within the context of the adjacent Babbacombe Downs Conservation Area, the Babbacombe Cliffs SSSI, the locally protected site, core tourism investment area and coastal change management area. The proposal will provide a good quality residential environment in both the existing and proposed dwellings and is not considered to impact on neighbour amenity. The proposal is considered to be acceptable in terms of highways impact, trees and ecology whilst issues surrounding drainage and cliff stability can be agreed by way of a planning condition.

The application is recommended for conditional approval.

The application has been referred to Development Management Committee due to the number of objections that have been received.

**Recommendation**

Conditional approval subject the final drafting of conditions to be delegated to the Executive Head of Business Services.

**Statutory Determination Period**

8 weeks. The determination date is the 10th July 2017.

### **Site Details**

The site, Oddicliff, Higher Downs Road, Torquay, is a detached residential property. The plot slopes away from the road frontage and is bound by a stone boundary wall along the front of the property to Higher Downs Road and to the rear it adjoins the coastal footpath and the public area around the head of the cliff railway. The site sits directly adjacent to the Babbacombe Downs Conservation Area, the Babbacombe Cliffs SSSI, a locally protected site, core tourism investment area and a coastal change management area.

### **Detailed Proposals**

The proposal consists of two key elements. The first includes works to the existing dwelling. The proposal seeks to remove a 5.6m wide section of the existing property from the North West side elevation and form a matching hipped roof with new window and door.

The second element of the proposal seeks to sub-divide the plot and form a new 4 bedroom dwelling. The proposed dwelling is designed in a traditional pastiche style with white render and tiled hipped roof with integral garage. The dwelling will be served by a new driveway with access from Higher Downs Road.

### **Summary Of Consultation Responses**

Design consultant: The proposal represents an improved strategy for providing two dwellings on the site and is a good response to the urban grain. There are no substantial concerns in terms of compliance with design policy and the application is supported. Approval of landscape works should be secured by condition. The rear window proportions and placements could be reconsidered.

Engineer: The property concerned is located near Oddicombe Cliffs. These cliffs are formed of soft sandstone and are therefore subject to ongoing and sometimes rapid erosion rates and instability. Although the property is some way back from the crest of these cliffs an engineering geologist should assess any potential ground problems. Because the risk is relatively low at the location in question the information can be provided after determination.

Senior Historic Environment Officer: The application follows the previously refused scheme. The site is just outside the Babbacombe Downs Conservation Area. The proposal seeks to part demolish a section of the west side of the house and form a new porch. The intention is to balance the uniformity of the south west elevation which has some merit. However the counter argument is that the house is not a uniform one and is not mirrored about the north south axis. The complete removal of the west wing would allow a much clearer gap between the two houses in the current plot preserving the sea views from Higher Downs Road. The new dwelling is inoffensive with a hipped roof with a canted extension above the eaves. The materials, landscaping and parking areas are unclear and the details should be required by condition.

Highways: Highways would only accept a maximum gradient of 1 in 8 from the drive to the public highway. Loose gravel must not be taken on to the highway. The applicant would require a vehicle crossover under licence of the Highway Authority by a contractor with the correct accreditation. If this can be achieved there is no objection.

Arboricultural Officer: The AIA adequately describes a methodology to protect the highways trees during any construction. A study has been made of the form, age and spatial limitations of the pollarded beech tree in light of the arborist's supporting evidence. The tree is a visually prominent native tree located in an area sparsely populated by mature readily appreciable trees however the regular and necessary management has reduced its likely longevity and visual benefits to the area. Therefore we would raise no objection to the removal of the tree subject to the provision of at least one significant tree per unit, planted in a calculated tree pit to allow full maturation of the tree without restrictive pruning. This plan should contain detailed planting, watering and management methodology. No objection on arboricultural merit subject to the provision of a detailed landscape plan addressing amongst other matters detailed inclusion of at least one tree per unit as described above. This plan should be submitted for approval prior to any commencement and may require re-alignment of the driveway to the western unit.

Natural England: The SSSI does not represent a constraint in determining the application. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

Drainage: As the development is located in flood zone 1 and the ground conditions are unsuitable for soakaways the developer has identified that surface water drainage will be connected to the sewer system. The agreed standing advice can be implemented with the discharge limited to 1.5l/sec.

### **Summary Of Representations**

18 representations. Issues raised:

- Impact on views
- Overdevelopment
- Garden grabbing
- Out of character
- Other development in area
- Traffic
- Highway safety
- Located on a fault line
- Stability of wall/ cliff
- Impact on tourism
- Impact on amenity
- Loss of privacy

- Loss of light
- Size and scale
- Massing and footprint
- Visual impact
- Impact on coastal footpath
- Impact on Conservation Area
- Impact on landscape protection area
- Design
- Noise
- Sets precedent
- Drainage
- Covenants
- Building line
- Loss of garden and impact on ecology
- Impact on economy.

### **Relevant Planning History**

P/2016/0835 Demolition of existing house and replacement with two detached houses (within 15m of Babbacombe Downs Conservation Area). Refused 07/02/17

P/2010/1057 Formation of single dwelling with integral garage; new vehicular access car parking and turning and amenity space. Refused 19/01/2011

P/2006/1170 Extension to Garage with Games Room over. Refused 18/08/2006

P/2001/1484 Alterations and Raise Height of Existing Wall by 2 Blocks and Remove Hedges (Amended By Letter Received 24 December 2001) Approved 11/01/2002

P/1997/0433 Extension to Form Sun Lounge to Existing Granny Flat. Approved 04/06/1997

P/1991/0142 Raising Of Roof and Extensions to Form Additional Accommodation and Swimming Pool (As Revised By Plans Received 9Th May 1991) Approved 15/05/1991

P/1990/1508 OA Erection of One Dwelling (In Outline). Refused 26/10/1990 (Appeal Allowed 12.2.91)

P/1987/1822 Entrance Porch. Approved 09/11/1987

P/1980/2780 Conversion of existing Garage and stores into flat and new detached garage. Approved 12/11/80

P/1980/2597 Rooms in Roof with Dormers. Approved 14/10/1980

Relevant planning history: Hotel Blue Conifer, Higher Downs Road, Torquay

It is considered relevant to note the recent planning history of the adjacent site; Hotel Blue Conifer.

P/2016/0571 Demolition & redevelopment to form 9 sheltered apartments for the elderly (amended from 10 by plans received 15.09.2016), including communal facilities and new access. Appeal allowed.

- This application sought consent for a modern re-development on the site. The Development Management Committee resolved to refuse the application due to the scale, bulk and design of the building which was considered to constitute an 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 Planning Inspectorate concluded the re-development was acceptable in terms of size, scale and visual appearance.

P/2016/1354 Demolition & Redevelopment to form 9 sheltered apartments for the elderly including communal facilities, access, car parking, and landscaping. Approved 16/02/17

- The Development Management Committee resolved to grant consent on the 13th February 2017 for the re-development of the site. The design and visual appearance was pastiche, taking reference from the prevailing character of the area.

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

The key issues to consider in relation to this application are:

1. Principle of development
2. Impact on the character and appearance of the street scene
3. Impact upon the amenity of neighbouring properties
4. Quality of residential accommodation
5. Drainage
6. Transport Issues
7. Trees and Ecology
8. Cliff stability.

#### **1. Principle of development**

In respect of the principle of the part demolition of the existing dwelling and the construction of one new dwelling in the plot, the principle of residential development in this location is considered to be acceptable. The site is located within an established residential area and would be considered a sustainable location for such development being in relatively close proximity to services and public transport routes. The plot is generous in size and it is considered that there is adequate space to subdivide the plot evenly to comfortably allow two dwellings.

#### **2. Impact on the character and appearance of the street scene**

There is a distinct local character and pattern of development along the Higher

Downs Road in which the application site is located which is characterised by detached houses within spacious plots. A figure ground survey of the area demonstrates that this area primarily consists of dwellings set within large plots with a characteristic solid to void ratio which allows for a large level of outside space around the dwellings, creating a spacious, landscape dominant appearance. The proposed dwelling and existing property are considered to appear suitably spaced within the plots with a gap of approximately 8m between the properties allowing for the characteristic setting of the area to be retained whilst retaining views through the site. As the adjacent property; Glenhurst is set to the North West of its plot a suitable gap of approximately 17m will be retained between this property and the new proposed dwelling within the street scene.

Paragraph 17 of the National Planning Policy Framework states that planning should always seek to secure high quality design and a good standard of amenity of all existing and future occupants of land and buildings. The proposed dwelling is of a traditional design and appearance and characterised by a hipped roof with single storey appearance from the Higher Downs Road street scene. The proposed dwelling is set over two floors, utilising the sloping ground level for a basement area and forming rooms in the roof with two pitched roof dormer windows and a rooflight on the rear North East elevation and a rooflight window on the front South West elevation. The proposed dwelling includes a projecting front gable to form a garage and rear central balcony. The design and appearance of the proposed dwelling takes reference from the properties within the surrounding street scene and the existing property on the site. The design respects the character of the area, particularly those dwellings located on the north side of the Higher Downs Road. As the proposal is to subdivide the plot, it is important that any design appears subservient in scale, massing and appearance so as not to not appear as an overdevelopment of this plot. The dwellings in this area sit quietly within the plots, appear subservient to the verdant landscape character and provide views to the sea, whilst mainly consisting of subservient roof forms with hipped roofs and bungalows with steep roofs, allowing for the creation of rooms in the roof. As the proposed dwelling accords with these key characteristics the design and visual appearance is considered to be acceptable and in-keeping with the traditional character of the area. In accordance with the NPPF and Local Plan Policies DE1, H1 and SS10 of the Torbay Local Plan 2012-2030 the proposed dwelling will satisfactorily assimilate within the street scene. The size and scale of the proposed dwelling is considered to be appropriate for the location and the context of the plot and will not appear overly dominant within the street scene allowing for a suitably spacious appearance which respects the locality and the adjacent Conservation Area

### 3. Quality of residential accommodation

Policy DE3 of the Torbay Local Plan 2012 - 2030 which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. Provision of useable amenity space, including gardens and outdoor amenity area should be provided with a

guidance of 55m<sup>2</sup> for new houses. Internal floor standards are set out from the DCLG technical housing standards document. This states the minimum internal floor space which should be provided and gives guidance on the minimum floor area. The minimum internal floor spaces set out by this guidance and reflected in Policy DE3 shows that a minimum floor space of 103m<sup>2</sup> is required for a 4 bedroom dwelling. The proposed floor area and outside amenity space is above these standards and it is therefore considered that a good quality level of accommodation for the proposed dwelling is provided.

The existing dwelling will retain a suitable internal floor area after the proposed demolition of a section of the North West elevation and will retain a suitable level of outside amenity space to serve the property.

#### 4. Amenity impact

In terms of impact on the neighbouring properties, "Glenhurst" is more directly affected because the property is aligned in part to look out on to the application site. However, there is already very little privacy between the properties as there is no screening along the boundary and the existing dwelling has windows on the north side elevation which allows clear views into Glenhurst. The proposed dwelling will be situated adjacent to this property is set in approximately 2.75m from the boundary at its closest point and will only include one window on the side elevation serving a bathroom which can be obscure glazed. A balcony is proposed on the rear elevation however an obscure glazed screen could be added to the side elevation to prevent additional views. Although the proposal will result in a dwelling being situated closer to Glenhurst, there is still a gap of approximately 17m between the two properties and due to this gap there is not considered to be a significant impact on the light levels of the adjacent property. As such the proposal is considered to be acceptable in terms of impact on neighbour amenity and therefore accords with Policy DE3 in the Torbay Local Plan.

The proposed dwelling will include a number of windows on the South East side elevation, whilst the existing property will include a newly formed window on the side elevation. As there will be a distance of approximately 8m between the two properties and as the dwellings are angled differently this will restrict direct intervisibility. As such the relationship is considered to be satisfactory.

#### 5. Drainage

The applicant has indicated that surface water from this development would be discharged to the combined sewer as the ground conditions are unsuitable for soakaways. The Council's Drainage Engineer has noted that as the development is located in flood zone 1 and the ground conditions are unsuitable for soakaways the developer has identified that surface water drainage will be connected to the sewer system. In this instance a condition can be added to any consent which will require the developer to demonstrate that a suitable discharge rate is achieved. As Torbay is a Critical Drainage Area any surface water discharge rate from the site to the combined sewer must be limited to greenfield run off rate for the 1 in 10

year storm event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to land adjacent for the critical 1 in 100 year storm event plus a 30% allowance for climate change. It should be noted that where the greenfield run-off rate for the site is below 1.5l/s, a discharge rate of 1.5l/s will be accepted.

As such, the proposal would comply with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 with the addition of a planning condition. It should be noted that this standing advice has changed from the advice provided on the previous application P/2016/0835 after review of drainage requirements by the Drainage Engineer.

#### 6. Transport issues

Policy TA3 of the Torbay Local Plan states that new dwellings should be served by two car parking spaces. The proposed existing and proposed new dwelling provide adequate off street parking provision and would therefore comply with Policy TA3 of the Torbay Local Plan.

#### 7. Trees and Ecology

The Council's Arboricultural Officer has advised that the scheme is suitable for approval on arboricultural merit subject to the submission of a detailed landscaping plan which can be required by condition.

The application has been accompanied by a preliminary ecological appraisal. The written assessment concluded that:

- 1) The property is not considered suitable for roosting bats and no further surveys are required.
- 2) Any external lighting will need to be designed to avoid any negative impact on the local bat population.
- 2) There is evidence of the past use of the property by breeding house sparrow. As a result consideration needs to be given to the time of demolition.
- 3) No further ecological surveys are required.

In terms of its impact on bats and nesting birds, the proposal is therefore acceptable. A condition ensuring the demolition works do not take place between March-August will be required to ensure compliance.

#### 8. Cliff stability

The Council's Senior Engineer for coastal and specialist services has advised that the property concerned is located near to the Oddicombe Cliffs. These cliffs are formed of soft sandstone and are therefore subject to ongoing and sometimes rapid erosion rates and instability. Although the property is some way back from the crest of these cliffs, an engineering geologist should be employed to assess any potential ground problems. As the risk is relatively low at the location in



question, the information can be provided by condition.

### **Site history**

Application P/2010/1057 sought to locate a second dwelling alongside and to the north which was refused due to the resultant overdevelopment of the site contrary to the urban grain of the area which would fill an important gap in the street scene and the resultant impacts on neighbour amenity.

This was followed by application P/2016/0835 which sought to demolish the existing property and erect two new dwellings on the subdivided plot. This application was subsequently refused as it was considered to be contrary to the clear urban grain and pattern of development of Higher Downs Road, and would result in a development that would be incompatible to the distinct local character of the surrounding area. The footprint of the proposed dwellings were considered to result in a cramped form of development and an overdevelopment of the site resulting in a loss of the landscape character of the area through the loss of garden setting and increased urbanisation of the site, to the detriment of the street scene and adjacent to the Babbacombe Downs Conservation Area. The proposed design, massing and bulk were also considered to result in the new dwellings appearing out of character with the surrounding street scene with the modern design appearing to take little context from the locality. There was also a concern with the drainage proposed.

The current application seeks to overcome the objections raised in the 2010 and 2016 applications. Like the 2010 application the proposal seeks to retain the existing dwelling however a large section of the existing property is to be demolished to allow for more spacious plot sizes which can retain gaps within the street scene. The proposal has overcome the objections raised in the 2016 application due to the reduction in the footprint of both dwellings within the plot in comparison to the two proposed as part of the previous application. The reduction in footprint allows for the retention of a large area of landscape with gaps in the street scene, combined with the revised design which has provided a sensitive, in-keeping design with subservient hipped roof which has reduced the massing and bulk of the dwelling. The proposal is therefore considered to be acceptable.

### **Statement of Pro-active Working**

The Council has sought to work positively and proactively with the applicant through discussions and through open dialogue including requests for revised plans.

**S106/CIL -**

N/A

### **Local Finance Considerations**

The local finance impact of the proposal is di minimus due to its scale.

## **Human Rights and Equality 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.

## **Conclusions**

It is considered that the proposal is acceptable for the reasons set out in this report. The demolition of a section of the existing dwelling and formation of new dwelling with associated driveway is considered to be of a suitable size, scale and design for the plot and surrounding street scene and without detriment to neighbour amenity in accordance with Policies HE1, DE1, DE3, SS10, TA2, TA3, C3, NC1, ER1 and ER2.

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

01. Drainage
02. Geology/cliff stability
03. Required demolition
04. Ecology- Provision of bird nest friendly features- Timing of demolition
05. Landscape plan
06. Materials
07. Opening details
08. Details of parking area
09. Obscure glazed balcony screens
10. Obscure glazed window on north west elevation
11. Avoidance of doubt - tree plans show old proposal

## **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**

- DE1 - Design
- DE3 - Development Amenity
- HE1 - Listed Buildings
- SS10 - Conservation and Historic Environment

TA2 - Development access  
TA3 - Parking requirements  
C3 - Coastal change management  
NC1LFS - Biodiversity and Geodiversity  
ER1 - Flood Risk  
ER2 - Water Management