

Application Number

P/2017/0490

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

Mr Robert Pierce

Ward

Wellswood

Description

Demolition of dwelling and proposed replacement dwelling (Revised Site Plan).

Executive Summary/Key Outcomes

The application is for outline planning permission for the principle of demolishing the existing dwelling on the site and constructing a dwelling on the western half of the plot. The applicant has applied for the details of access to be agreed at this stage. The following matters will be considered at reserved matters stage: 1) Appearance, 2) Landscaping, 3) Layout, and 4) Scale.

The eastern half of the plot already has the benefit of a recent outline planning permission for a dwelling under application reference P/2017/0260.

An application for full planning permission for a dwelling on this half of the site was recently refused by Members at their Meeting in May 2017 under application reference P/2017/0259 for the following reason:

- 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.

It is considered that a dwelling could be accommodated on this site without detriment to the appearance and character of the area. Although the plot is narrower in comparison with adjoining properties it would be possible to construct a dwelling that would be consistent with the established form and character of the area, which would therefore comply with Policy DE1 in the Torbay Local Plan.

Recommendation

Conditional Approval, with appearance, layout, landscaping and scale to be reserved matters (conditions at end of report) .

Statutory Determination Period

8 weeks 13th July 2017

Site Details

The site comprises the western half of a large plot which is currently occupied by a vacant bungalow style of dwelling on the north side of Whidborne Avenue. A public footpath and a wedge of vegetation runs alongside the western boundary of the site. Whidborne Avenue is sloping at the application site, which 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 outline planning permission for the demolition of the existing dwelling on the site and to establish the principle of constructing a further single detached dwelling on the western half of the plot. The applicant has only applied for the details of access to be agreed. Reserved matters to be considered at a later stage will include: 1) Appearance, 2) Landscaping, 3) Layout, and 4) Scale.

The submitted site plan indicates that the proposed dwelling would utilise the existing vehicular access within a frontage of 15.5 metres. The applicant is seeking to establish the principle of constructing a dwelling on the site and the submitted plan comprises a site Location Plan which denotes the access and identifies the boundary of the site.

Summary Of Consultation Responses

Highways Engineer: No objections.

South West Water: No objection.

Drainage Engineer: No Objection.

Urban Design Consultant: No robust reason for objecting to the proposal.

Summary Of Representations

Numerous representations objecting to the proposal. The main issues raised are as follows:

- Impact on local area
- High density of the site
- Narrow plot
- Impact on open aspect
- Increase in vehicular movements to and from the site
- Out of character with the area
- Will set a precedent for multiple builds
- Noise from contractors (Not a planning issue)

- Loss of views (Not a planning issue)
- Overdevelopment.

A detailed objection was received relating to plot density and width. The objector has produced a plan showing that there is an east-west divide in the immediate area and that a plot density of between 5-20% (coloured green) is the predominant pattern of development, particularly to the west and south of the application site. The objector has also produced a plan which indicates that the majority of the plots in the immediate vicinity have plot frontages which exceed 16 metres.

Relevant Planning History

P/2016/0933/OA - Dwelling in Outline on Plot 42a (eastern part) - Refused 01.12.2016.

P/2016/0932 - Replacement Dwelling (western part) - Refused 30.11.2016

P/2017/0259 - Resubmission of application P/2016/0932 Demolition of dwelling and proposed replacement dwelling with associated works, 42 Whidborne Avenue (western part) - Refused 25.05.2017

P/2017/0260/OA - Demolition of dwelling and proposed replacement dwelling shown as 42A (eastern part) - Approved 11.05.2017

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 within defined plots. Generally the houses along Whidborne Avenue on the opposite side to the application site substantially fill the width of their frontages. This is also the case for the houses to the east of the site along the north side of Whidborne Avenue. These houses also have very extensive rear gardens. And although this means that the density of the built form is low, these gardens are not visible from the road frontage and therefore do not have a significant impact on the visual perception of spaciousness within the street scene. Some dwellings in the area have already been sub-divided and redeveloped, including a scheme for two modern houses currently under construction at 2 Whidborne Close. The proposed sub division of the plot is considered to be a sustainable form of development which maintains the residential use of the site and which is commensurate with the established land use and local character. It also makes the best sustainable use of the built up area. The detailed objection in respect of plot widths has been considered. The plan submitted with the application indicates that the frontage of the existing bungalow has a plot width of 31.5 metres with the sub-divided plot having a frontage of approximately 15.5 metres. There are a variety of plot sizes in the vicinity of the

site. Generally the plots to the west of the site on the north side of the road are narrower in width than those to the east. The situation is slightly reversed on the south side of the road with a group of houses opposite and to the east of the site being narrower than those to the west. Although the proposal would make the plot size narrower in comparison with adjoining dwellings to both the east and west, the comparative widths are mostly within a range of between 15metres to 18metres, The consideration in this case is whether the smaller plot size would result in a form of development that would be inconsistent with the established character, rhythm and urban grain in the area.

Officers are of the opinion that a plot width of 15.5m would provide sufficient space for a dwelling to be designed that would not need to extend up to the side boundaries of the plot and would therefore provide a gap between the two dwellings on number 42 and also space between the application site and the adjoining property to the east. The provision of a break in the built form to the west would also benefit from the presence of the public footpath that runs along the western boundary of the site. It is noted that the majority of dwellings on both sides of the site do have narrow gaps between them.

For this reason the site is considered to be of sufficient size to allow development that would maintain the form and character of the surrounding area. Whilst the size of the plot would be slightly narrower than adjoining plots, its width would not be so much narrower that it would result in an excessively cramped and uncharacteristic layout. The site is not within a designated area and therefore it is reasonable to allow some flexibility for the form of development to adapt to changing circumstances.

The detailed objection to plot densities has also been considered. In terms of plot density, the overall area of the plot on the west side of the original site is actually slightly larger than the eastern half which now has outline consent for a dwelling. It is not known what the plot density will be at this "outline" stage, however, it is considered that a suitably designed dwelling which relates to the surrounding built environment in terms of scale, height and massing would not have an adverse impact on the character of the area. This would be assessed at "reserved matters" stage.

The development of a new dwelling on the western side of the site, would be in general conformity with plot widths elsewhere in the neighbourhood. The plot is big enough to accommodate an appropriately scaled dwelling which would sit quite comfortably within the site. As such the principle of developing the western half of the original site would contribute to the achievement of sustainable development and would be consistent with the objectives in Policy DE1 which requires development to acknowledge local character by creating a clear urban structure and grain that integrates with the surrounding context. It would also be consistent with Policy H1 which supports the provision of a range of homes which will result in a sustainable pattern of development.

Highway, Parking and Access -

The proposed dwelling would utilise the existing vehicular access to the site. The Highway engineer has raised no concern in regard to utilising this established access arrangement. 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. In order to enhance biodiversity it would be good practice to ask for the provision of a bird nesting box on the site, which can be addressed by condition.

This meets the criteria of 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 and it is considered to be acceptable. As the site is within a Critical Drainage Area it would be appropriate to impose a condition requiring the development to be carried out in accordance with the submitted details. The proposal therefore meets the criteria of 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 -

The proposal would result in a net increase of one dwelling house in the area. As a result of the development there would be benefits to the economy during

construction and following occupation an increase in Council tax. In addition New Homes Bonus would be received for an additional dwelling.

Statement on CIL Liability -

The proposal constitutes CIL liable development as it is within Charging Zone 3. Liability for CIL would be calculated at Reserved Matters stage.

Conclusions-

It is concluded that the plot is of sufficient size to accommodate a new dwelling, without having a harmful impact on the character of the area. The proposed development would be consistent with the local character of the area. Highway safety for all users is protected by utilising the existing vehicular access.

The proposal 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)

01. 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)(iv) scale. 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).

02. Access into the development to which the permission relates shall be carried out by using the existing access as indicated in the approved drawing Reference L1 Rev A.

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.

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. In accordance with the submitted flood risk assessment received 18th May 2017, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and paragraph 103 of the NPPF.

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
TA2 - Development access
TA3 - Parking requirements
H1 - New housing on identified sites
C5 - Urban landscape protection areas
ER1 - Flood Risk
ER2 - Water Management
DE1 - Design
DE2 - Building for life
DE3 - Development Amenity
DE4 - Building heights