

Application Number

P/2017/0473

Site Address

Land Rear Of 57 Fore Street
Brixham
TQ5 8AG

Case Officer

Gary Crawford

Ward

Berry Head With Furzeham

Description

Formation of dwelling (access, appearance, layout and scale only).

Executive Summary/Key Outcomes

The application is for outline planning permission which seeks approval for the formation of a dwelling to the rear of No.57 Fore Street, Brixham. The applicant has applied for the details of access, appearance, layout and scale to be agreed. Landscaping would be agreed at reserved matters stage.

The proposed dwelling would be two stories in height. It would be of a contemporary design and would be recessed into the hillside. The roof would be flat with zinc clad walls at upper floor level and rendered walls at lower floor level. The property would feature a balcony on the upper floor and terraces on the lower floor level. There would be no parking provided. Pedestrian access would be via a new gate in the stone boundary wall from the footpath that connects Mount Pleasant Road and Shinnars Steps. Amended plans have been received during the course of the application to set the upper floor of the building back from the lower floor so that the building follows the natural slope of the hill. Due to the ground levels on the site, the proposed dwelling would not be visible from the south (Mount Pleasant Road) but would be visible in views across the hillside from the centre of Brixham and the opposite hillside.

The proposal is considered to be acceptable in this location and without any overriding detriment to the character or appearance of the Brixham Town Conservation Area or residential amenity of neighbouring occupiers. Consequently the proposal meets Local Plan Policies DE1 (Design), DE3 (Development Amenity), SS10 (Conservation and the historic environment), HE1 (Listed buildings), H1 (Applications for new homes), TA2 (Development Access), TA3 (Parking Requirements), ER1 (Flood Risk) and C4 (Trees, Hedgerows and Natural Landscape Features).

Recommendation

Conditional approval, conditions at end of report.

Statutory Determination Period

8 weeks, the determination date was 12th July 2017. However, this has been extended until 16th August 2017 to allow the proposal to be determined by the Development Management Committee.

Site Details

The application site is the rear section of the garden of Nos. 57-59 Fore Street, Brixham. The levels of the site slope steeply downwards from south east to north west. There is an existing pedestrian gate access to the site via a footpath that connects Mount Pleasant Road and Shinnars Steps. Planning permission for two dwellings to the rear of Nos. 61-65 Fore Street was approved under application P/2010/0706 in February 2011 and these dwellings are currently under construction. The site is located within the Brixham Town Conservation Area and the site is clearly visible when viewed from across the valley to the north. There is a Grade II Listed Building adjacent to the site at No.61 Fore Street, although this building is situated at a lower level to the application site.

Detailed Proposals

The proposal is for the erection of a two storey, detached dwelling. The dwelling would be of a contemporary design and would be recessed into the hillside. The dwelling would have a flat roof with zinc clad walls at upper floor level and rendered walls at lower floor level. The property would feature a balcony on the upper floor and terraces on the lower floor level. The property would feature pedestrian access only which would be via a new gate in the stone boundary wall from the footpath that connects Mount Pleasant Road and Shinnars Steps. Amended plans have been received during the course of the application to set the upper floor of the building back from the lower floor so that the building follows the natural slope of the hill.

Summary Of Consultation Responses

Brixham Town Council: Recommend refusal for the following reasons:-

1. Materials not in keeping with the Conservation Area
2. Adversely affect the street scene in a prominent position
3. Loss of green space
4. No clear provision of parking.

Senior Historic Environment Officer: No objections. Advised during pre-application enquiry DE/2016/0171 that a contemporary designed new dwelling should be encouraged and it would utilise the extant terraces of the site to the best effect.

Drainage Engineer: The developer has identified that the use of infiltration drainage is not feasible on this site due to the site gradient and constraints. The developer is proposing to discharge surface water drainage at a controlled rate of 1.5l/sec to the combined sewer system and has submitted hydraulic calculations for the surface water drainage system. However, there are no drawings identifying the surface water system and therefore the Drainage Engineer is unable to check the hydraulic calculations. Planning officer comment: This information will be dealt with via a condition.

Highways Officer: No objections.

Arboricultural Officer: No objections. There is an existing tree on the site but the Arboricultural Officer has commented that this tree is of limited life expectancy and of no

present or potential future visual benefit to the site.

Structural Engineer: Verbally advised that structural stability of proposed new dwelling would be dealt with at Building Regulations stage.

Waste Client Manager: No comments received.

Summary Of Representations

Eight letters of objection have been received. Issues raised:

- Loss of privacy/overlooking
- The submitted plans are misleading; the dwelling would be accessed off a footpath, not an existing lane
- The proposed zinc cladding is out of keeping with the surrounding area
- Inconvenience and disturbance caused by construction vehicles
- Overdevelopment of the site
- Loss of light
- Noise
- Loss of views. Officer comment: Representations regarding the loss of views have been noted but this does not constitute a material planning consideration.

Relevant Planning History

DE/2016/0171: New dwelling. Advised on 3/6/2017 that principle of a new dwelling was likely to be considered acceptable.

The following relates to the adjoining site and is relevant to this proposal;

P/2010/0706: Formation of 2 no. 3 bed residential dwellings with pedestrian access at land adjacent to Shinnars Steps off Mount Pleasant Road. Approved 18/2/2011 and currently under construction.

Key Issues/Material Considerations

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

1. Principle of residential development
2. Impact on the character and appearance of the Conservation Area and Listed Building
3. Impact on the amenity of neighbouring properties
4. Impact on the amenity of future occupiers
5. Highways
6. Drainage
7. Affordable housing.

1. Principle of residential development

The principle of constructing a new dwelling on the site would be consistent with Policy H1 of the Torbay Local Plan 2012-2030. The predominant existing use of the immediate area is residential and given the two dwellings that are currently under construction to the

rear of Nos. 61-65 Fore Street and the existing dwelling to the rear of No.51 Fore Street, it is considered that a detached dwelling to the rear of No.59 Fore Street would not be out of character with the urban grain and pattern of development of the surrounding area.

2. Impact on the character and appearance of the Conservation Area and Listed Building

The proposed dwelling would be of a contemporary design with a flat roof, zinc clad walls at upper floor level and rendered walls at lower floor level. Due to the existing stone boundary wall along the south east boundary of the site, the new dwelling would not be visible from the footpath that connects Mount Pleasant Road and Shinnars Steps. However, due to the steeply sloping levels of the site, the new dwelling would be clearly visible when viewed from across the valley to the north.

Policy SS10 (Conservation and the historic environment) of the Torbay Local Plan 2012-2030 states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution to Torbay's built and natural setting and heritage. Policy SS10 notes further that proposals that may affect heritage assets will be assessed against eight criterion, including the impact on vistas and views of Torbay's historic features and areas which form part of the visual and tourist appeal of Torbay. Policy DE1 (Design) of the Torbay Local Plan details that development proposals will be assessed against their ability to meet 28 design considerations which include having a clear urban structure and grain that integrates with the surrounding context, relates to the surrounding built environment in terms of scale, height and massing, and evolve high quality architectural detail with a distinctive and sensitive palette of materials. Paragraph 60 of the National Planning Policy Framework (NPPF) 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. Paragraph 132 of the NPPF details that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifies that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 notes that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

It is deemed that the proposed new dwelling is of an acceptable scale and it would sit comfortably within its plot. Furthermore, the proposal would integrate with the urban grain and pattern of development of the surrounding area. It is acknowledged that design and materials of the new dwelling would have an impact on the character and appearance of the Brixham Town Conservation Area. However, the existing properties that run across the hillside above Fore Street are of a varied character and form. The two dwellings

currently under construction to the rear of Nos. 61-65 Fore Street which were approved in 2011 under planning application P/2010/0706 are of a contemporary appearance. In addition, the buildings which form Somerset Court, further to the west along the hillside, are mid-twentieth century developments which feature shallow mono-pitch roofs. The Council's Senior Historic Environment Officer has not raised any objections to the proposal and in addition, the upper floor of the new dwelling has been recessed in line with the natural slope of the hill. Whilst the zinc cladding would differ from the prevailing materials of the surrounding area of render and stone, it is deemed that the existing stone walls within the site would alleviate the impact of the zinc to an extent when viewed from across the valley. As such, given the mixed character of the neighbouring properties which run across the hillside above Fore Street, it is considered that, on balance, the impact of the proposed new dwelling on the character and appearance of the Conservation Area is acceptable.

Due to the difference in levels between the proposed new dwelling and the Grade II Listed Building at No.61 Fore Street, it is deemed that the proposal would not result in a significantly adverse impact on the setting of the Listed Building.

3. Impact on the amenity of neighbouring properties

Although the proposed new dwelling to the rear of No.57 Fore Street would be located adjacent to the side boundary with No.61 Fore Street, the upper floor of the new dwelling to the rear of No.57 would be set approximately 2.4m off the side boundary with No.61. Furthermore, the house currently under construction to the rear of No.61 is set 1m off the side boundary with No.57 and the proposed upper floor window in the south western flank elevation of the new house to the rear of No.61 is a secondary window which serves a living room. Whilst the proposed new dwelling to the rear of No.59 would be situated due south east and at a higher level to Nos. 57 and 59 Fore Street, the new dwelling would be positioned approximately 12m from the rear elevation of Nos. 57 and 59. Due to the distance between the proposed new dwelling and neighbouring properties, it is considered that the proposal would not result in any significantly harmful overbearing or overshadowing impacts upon neighbouring dwellings.

Given the steep slope of the site and its position above Nos. 57 and 59 Fore Street, it is deemed that the proposal would not result in any significant direct overlooking or loss of privacy impacts upon Nos. 57 and 59. Although the proposal would be located approximately 8m from an upper floor window in the rear elevation of No.55A Fore Street, the new dwelling would be located at an offset angle to this window. Furthermore, there are existing views towards this windows from the rear garden of No.57 Fore Street. As such, it is deemed that the proposal would not result in any significantly worse loss of privacy impacts upon No.55A than the existing situation. The proposed upper floor balcony and upper floor windows in the north east flank elevation of the new dwelling may result in a loss of privacy impact upon the amenity area and three side facing windows of the house currently under construction to the rear of No.61. It is therefore considered necessary to include a condition with any permission which states that a 1.7m high privacy screen shall be installed along the north east flank elevation of the decking area adjacent to No.61 and that the upper floor windows in the north east flank elevation of the new

dwelling shall be high level windows only. It is also considered that the proposal would not reduce the rear amenity area of No.57 Fore Street to an unacceptable level.

The proposal is therefore deemed to have an acceptable impact upon the amenity of neighbouring properties, and to be consistent with Policy DE3 (Development Amenity) of the Torbay Local Plan.

4. Impact on the amenity of future occupiers

The internal floor area and private amenity space for the new dwelling, as shown on the submitted plans, would meet the dwelling space standards for a three bedroom dwelling over two storeys, as set out in Policy DE3 of the Torbay Local Plan.

5. Highways

The proposed new dwelling would feature pedestrian access only which would be via a new gate in the stone boundary wall from the footpath that connects Mount Pleasant Road and Shinnars Steps. The Appendix to Policy TA3 (Parking Requirements) of the Torbay Local Plan sets out that the parking requirement for new dwellings is 2 car parking spaces per dwelling unit. However, given the town centre location of the site, and, the proximity of the site to Brixham central car park and public transport routes, the lack of parking provision is deemed acceptable. Furthermore, the footpath that connects Mount Pleasant Road and Shinnars Steps is not considered suitable for vehicular access. Bin and cycle storage would be provided for the new dwelling.

6. Drainage

The developer has identified that the use of infiltration drainage is not feasible on this site due to the site gradient and constraints. As the use of soakaways is not possible at this site, surface water will be allowed to be discharged to the combined sewer system at a controlled rate and a condition with regards to the surface water drainage system for the site will be included with any permission.

7. Affordable housing

The proposal falls below the threshold for affordable housing contributions as outlined in Policy H2 (Affordable housing) of the Torbay Local Plan which seeks affordable housing contributions on greenfield sites of three dwellings or more.

CIL

The site is within charging zone 1 and does not constitute CIL liable development.

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.

Conclusions

In conclusion, the proposed development would result in an acceptable development in relation to the character and appearance of the Conservation Area and it would not result in an adverse effect on the amenity of nearby occupiers. Therefore the proposed development is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

Condition(s)/Reason(s)

01. Details of the reserved landscaping matters shall be submitted to the Local Planning Authority for approval within three years from the date of this permission.
02. The access, scale, appearance and layout of the development to which the permission relates shall not be carried out other than in accordance with the approved drawings only.
03. No development shall take place until evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land has been submitted to and approved in writing by the Local Planning Authority.
04. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted.
05. No vegetation removal shall be undertaken during bird nesting season unless a pre-works check is carried out by a suitably qualified ecologist to ensure that nesting birds are absent.
06. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.
07. Prior to the occupation of the dwelling hereby permitted, a 1.7 metre high obscure glazed privacy screen to the equivalent of Pilkington level 4 shall be fitted along full length of the north eastern flank elevation of the upper floor balcony. The privacy screen shall be permanently retained in that condition thereafter.
08. The cill height of the upper floor windows in the north east flank elevation of the dwelling hereby permitted shall be no lower than 1.7m above finished floor level. The windows shall thereafter be permanently retained in that condition.
09. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans, shall be constructed in the north eastern flank elevation of the dwelling hereby approved.

10. 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 Schedule 2, Part 1 Classes A, B, C, D, E and G shall be constructed without the prior written consent of the Local Planning Authority.

Relevant Policies

DE1 - Design

DE3 - Development Amenity

SS10 - Conservation and Historic Environment

HE1 - Listed Buildings

H1LFS - Applications for new homes

H2LFS - Affordable Housing

TA2 - Development access

TA3 - Parking requirements

ER1 - Flood Risk

C4 - Trees, hedgerows and natural landscape