

Application Number

P/2017/0882

Site Address

46 Tamar Avenue
Torquay
TQ2 7LP

Case Officer

Mr Robert Pierce

Ward

Shiphay With The Willows

Description

Rear and side extension with flat roof

Executive Summary

The proposal is for a single storey flat roof extension to the side and rear of the existing dwelling. The extension would be situated adjacent to the eastern boundary of the plot, adjacent to number 44 Tamar Avenue. The proposal is considered to be acceptable in this location and without any overriding detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality. Consequently the proposal meets Local Plan policy requirements, specifically Policies DE1 (Design), DE3 (Development amenity) and DE5 (Domestic extensions).

Recommendation

Conditional approval

Reason for Referral to Development Management Committee

The applicant is employed by the Council in the Spatial Planning Unit.

Statutory Determination Period

8 weeks, the determination date is 18th October 2017.

Site Details

The application site is a two storey semi-detached property which stands in an elevated position on the south side of Tamar Avenue. It forms part of a residential development of similar properties. The property has a covered external storage area and outbuilding to the side and rear which stand alongside the party boundary.

Date of Officer Site Visit:

6th September 2017

Detailed Proposals

The proposal is to remove the existing covered storage area and outbuilding and form a new flat roofed single storey side and rear extension that would extend up to the site boundary of the dwelling. The extension would be built off the existing boundary wall which would be raised in height (in part) by approximately 0.5 metres along the rear element in order to form a parapet. The front and rear sections of the extension would each be lit by roof lanterns with the one to the rear being set behind the parapet. The rear elevation would have French doors leading out onto a level area of proposed decking at existing ground level. It is also proposed to extend at the same level an existing area of decking at the rear by removing an existing flower bed. The external walls will be rendered to match the existing with doors and windows being UPVC. The plans also indicate the removal of the dining room window and its replacement with triple folding patio doors leading out into the garden.

Summary Of Consultation Responses

None

Summary Of Representations

Publication type: Neighbour notification letters and Site notice

No representations received

Relevant Planning History

P/2012/0053: Excavation of front garden to form off street parking for 2 vehicles with vehicular access. Approved 14.03.2012.

Key Issues/Material Considerations

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

1. Impact on the character and appearance of the existing property and streetscene
2. Impact on amenity
3. Flood Risk

1. Impact on the character and appearance of the existing property and streetscene

Policy DE1 (Design) of the Torbay Local Plan 2012 - 2030 states that development proposals should acknowledge local character. Policy DE5 (Domestic extensions) specifies that extensions to domestic dwellings will be permitted where the extension would not dominate or have other adverse effects on the character or appearance of the original property or any neighbouring properties, or on the streetscene in general.

Single storey flat roofed structures to the side of properties are a typical feature of Tamar Avenue with many forming part of the original design of the properties. The plans indicate that the extension will be slightly set back from the front elevation of the host property. The roof at the front will be very slightly higher than the existing but the parapet wall will stand further back from view. The proposed extension will remain subservient in appearance to the host property and it will sit quite comfortably in the street scene. As the extension is at ground floor level only the visual gap in between the application site and number 42 Tamar Avenue will be retained.

It is considered that the design of the proposal is acceptable in terms of its impact on the character and appearance of the existing property and streetscene, by reason of the scale of the proposed extension and its external appearance. As such it would be consistent with Policies DE1 and DE5 of the Torbay Local Plan.

2. Impact on amenity

Policy DE3 (Development amenity) of the Torbay Local Plan details that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses.

The extension will be built off the existing party wall with the adjoining property. A section of the wall will be raised in height by approximately 0.5 metres. This is considered to be an acceptable increase and will not have any adverse impact on the neighbours by way of being over dominant, overbearing nor would it result in any loss of light. A condition will be attached to the decision requiring the eastern face of the parapet to be rendered to match the existing wall. The two roof lanterns will be set off the boundary and their positioning is considered to be acceptable.

The proposal is therefore deemed to have an acceptable impact upon the amenity of neighbouring properties and would comply with Policy DE3.

3. Drainage

The application site is located within the Critical Drainage Area. The submitted Flood Risk Assessment indicates that surface water will be discharged at a controlled rate to a combined sewer to be approved by South West Water. Because the proposed extension will be more than 20 square metres the Standing Advice allows for a pre-commencement condition requiring the submission of details of the means of surface water drainage.

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 - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

Construction of the extension will make a positive contribution to the local economy.

S106/CIL and Affordable Housing -

S106 contributions are not required from this development.

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

Proactive Working

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has concluded that the application is acceptable for conditional planning approval to enable the grant of planning permission.

Conclusions

The proposal is considered to accord with the provisions of the Torbay Local Plan 2012-2030 and all other material considerations.

Condition(s)/Reason(s)

01 Notwithstanding the submitted flood risk assessment dated 18th August 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. If demonstrated that the ground conditions are not suitable for soakaways or will result in an increased risk of flooding to surrounding buildings, roads and land, prior to commencement of the development, details of an alternative means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details of the alternative means of surface water drainage shall include evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. As Torbay is a Critical Drainage Area the

submitted means of surface water drainage shall ensure that all off site surface water discharges from the development must be limited to the "Greenfield" run off rate for the 1 in 10 year rainfall event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus a 30% allowance for climate change. On site all surface water shall be safely managed up to the "1 in 100 year critical rainfall event plus 30% allowance for climate change" conditions. This will require additional water storage areas to be created thereby contributing to a reduction in flooding downstream. The development shall not be utilised until the approved surface water drainage system has been completed as approved and it shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with saved Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 and paragraph 103 of the NPPF. These details are required pre-commencement as specified as Torbay has been designated as a Critical Drainage Area and to ensure that a surface water drainage system is designed appropriately in light of this designation.

02. The section of parapet wall along the shared east facing boundary wall shall be finished to match the existing wall and shall thereafter retained in that condition.

Reason: To protect neighbour amenity in accordance with the requirements of Policy DE3 of the Torbay Local Plan 2012-2030.

Relevant Policies

DE1 - Design

DE3 - Development Amenity

DE5 - Domestic extensions