

Application Number

P/2017/0723

Site Address

The Snug
Daphne Close
Torquay
TQ1 1TP

Case Officer

Mrs Saffron Loasby

Ward

Wellswood

Description

Alterations and extensions.

Executive Summary

The proposed development seeks to add a side extension to enclose a stairwell and internal reconfiguration, increasing the number of bedrooms from one to two with parking for two vehicles.

The site is located in the Warberries Conservation Area and the site is party to a Tree Preservation Order.

The building was approved as a separate dwelling with a small garden room extension under an earlier planning consent and the applicants now wish to extend the property further. The previous planning permission allowed for accommodation at lower ground floor only, with parking above at ground floor (road) level. This scheme looks to utilise some of the approved parking provision for residential accommodation, moving some of the parking provision to the front of the building.

The floor area of the building meets the required standards as a two bed three person property, the outlook from the new rooms is considered to be acceptable, the parking provision meets the Councils standards and the design of the proposed work has been reviewed by the Councils Senior Historic Officer in relation to the Warberries Conservation Area.

Recommendation

Approval: Subject to conditions delegated to the Head of Business Services, to include those listed at the end of this report.

Reason for Referral to Development Management Committee

Number of objections.

Statutory Determination Period

8th September 2017.

Site Details

The detached building is located in Daphne Close. The external appearance comprises a double garage with two up and over garage doors located on the west elevation that meet with the level of the road. Living accommodation is located at the lower ground floor and accessed via a side gate, external stairs and a door that sits lower than the street level. There is an existing pedestrian door that sits at street level albeit located on the north elevation at the top of the external stairwell and hidden by the existing timber close boarded fencing.

The garage has a pyramid style roof and there is very little evidence that the building comprises residential use when viewed from the adjacent street scene.

Date of Officer Site Visit: 28th July 2017

Detailed Proposals

The scheme proposes a side extension to enclose a new replacement stairwell, a new hallway, wc and bathroom. Internally the property proposes some reconfiguration. This includes removing the internal parking spaces (which was being used as living accommodation at the time of the site visit) and creating two bedrooms, and new hallway level to Daphne Close. The lower ground floor will comprise a lounge, kitchen and dining area.

The approved parking requirements show two internal parking spaces accessible at road level. The layout at the time of the site visit permitted only one parking space. This was located across both garage doors and not in line with what was originally approved. The proposed layout for parking is partly integral. One space is sited off road in front of the building parallel with the road, the other is sited partly inside the building, perpendicular to the road.

Summary Of Consultation Responses

Conservation and Design

Daphne Close is a late 20C development created out of the former spacious garden of the mid-19C villa of Dunreeth, now The Court. Pine Trees is the original gate lodge/outbuilding for Dunreeth/The Court. There are still very pleasing views SE across to the Croft and beyond because of the garage's pyramidal roof, and it reads as a garage.

As discussed this is an improvement on the previous app, and the elevations of the new proposed extensions are relatively innocuous in the context of Daphne Close (drwng 3851-02). The seamed zinc roof is all very well as a design form/material but looks distinctly odd as it so clearly rises above the eaves of the main block.

Building Control - No comments received.

Arboriculture - The scheme is suitable on arboricultural merit.

Highways - From the information provided (757.02 Rev C) that were approved under P.2013.0948 showing the 2nd parking space in the grounds of Pine Tree Cottage, and presuming the dimensions the applicant has stated in the design and access statement and on the drawings are correct, Highways find it difficult to object on Highway safety grounds.

It is noted that the images on google and the image the applicant provided highlighting the demarcation between the two properties both show vehicles parking transversely and blocking the footway. Even though the space is there it does not appear to be being used because it is easier to park like this.

Recommend that if permitted consideration is given to the potential to add a condition to try to stop parking across the footway.

Summary Of Representations

Publication type: Neighbour notification letters/Site notice/Newspaper advertisement.

Ten representations have been received in objection. Issues raised:

- o Drainage - concern that the current system is not adequate
- o Impact on the local area
- o Not in keeping with the local area
- o Over development
- o Sets precedent
- o Impact on traffic and access
- o Impact on trees and wildlife
- o Privacy and overlooking.

SRM Procedure:

Outcome: Development Management Manager deferred application to committee for resolution given the number of concerns from local residents.

Application to be determined by Development Management Committee.

Relevant Planning History

P/2016/1365 Extension and conversion of garage to form residential dwelling with separate workshop/music room - Withdrawn

P/2013/0948 Formation of new dwelling in garage/store - Approved

P/2011/0970 Alterations and conversion of existing garage to study/play area with pitched roof; remove porch to rear patio area; replace widows to bay; new French doors to new kitchen area; install window to North elevation; roof lights to utility and side porch - Approved.

P/1999/1375 - Erection Of Double Garage And Store - Approved.

Key Issues/Material Considerations

The key issues to consider in relation to this proposal are principle of development, quality of the residential environment, impact of the design on the Warberries Conservation Area, neighbour amenity and highway safety.

Principle of Development

The building is a small dwelling and hence the principle of residential use is already established. Whilst the public representations from neighbours include concern about the way in which the occupants have retrospectively obtained planning permission for the garage to be used as living accommodation. Planning permission was sought to use the property as a separate dwelling and granted under planning reference P/2013/0948 and therefore the principle for use as residential already established.

In terms of broader principles adopted Policy SS3 'Presumption in Favour of Sustainable Development' of the Local Plan advises that planning applications that accord with the policies in the Local Plan (and where relevant, with policies in Neighbourhood Plans) will be approved unless material considerations indicate otherwise. This policy follows the advice within the National Planning Policy Framework (NPPF), specifically paragraph 14 that sets out a presumption in favour of sustainable development. For decision taking, unless material planning considerations dictate otherwise, this means approving proposals that accord with the development plan without delay. The key issues and accordance with adopted policies is discussed below.

Quality of the residential environment

The floor area of the existing residential space falls short of the Dwelling Space Standards for 2 people. As a two bedroom property for 3 people the standard floor area would need to equate to 70sq.m or more. The proposal would meet the requirements of a 2 bed 3 person property over two floors and would appear to provide an improved internal residential environment for occupiers when considering the current limited floorspace

In terms of the wider plot the proposal is not considered to overdevelop the site given the sizeable garden space available for the occupants of the property. The garden area is significantly larger than the standard amenity space requirement (55sq.m) that is outlined within the Adopted Local Plan (Policy DE3) and the small addition to the north of the application is not considered to have an adverse impact on its wider surroundings by being unduly overbearing or dominating.

The proposal will maintain adequate internal environments with the layout providing acceptable levels of natural lighting and outlooks to key rooms.

The proposal is considered to provide an acceptable living environment, in accordance with the requirements of planning policy DE1 of the Torbay Local Plan 2012-2030.

Impact of the design on the Conservation Area

In regard to the impact of the proposal on the Warberries Conservation Area the scheme is considered acceptable subject to securing improvements to the detailed design.

There is still some concern regarding the finishing materials as Upvc is not supported in this location and a visual improvement of the building as part of this application should be sought. If the property is to take on a more residential appearance from within the street scene then high quality materials will be required. These can be agreed via condition.

The use of the standing seam zinc to the flat roof has been questioned by the Senior Historic Environment Officer as it appears from the drawings to sit higher than the existing eaves of the host building. It is recommended that a detailed section of the roof and eaves is sought in order to ensure that the arrangement where it meets the existing eaves height is acceptable. This can be secured by a planning condition.

The development is not like any other in the street scene due to the way in which it has been developed, however the dwelling exists and the potential to improve the use of the site and its visual impact on the Conservation Area can be addressed through this proposal.

Subject to resolving the detailed design elements discussed above, the proposal is considered to preserve the Warberries Conservation Area and be in accordance with Policy SS10 of the Torbay Local Plan.

Impact on Neighbour Amenity

Concern has been raised by local residents in the immediate vicinity that the impact of an intensified use will result in harm on neighbour amenity and the new openings proposed in the elevations of the building, particularly at first floor will adversely impact on privacy and overlooking.

Overlooking/Loss of privacy

In regard to the new openings proposed there are several that could be omitted/revised to overcome neighbour concerns. Those in the north elevation are considered to be acceptable. The openings that form part of the northern elevation are to the landing and a ground floor WC. Both of these openings could be conditioned to be obscure glazed, the landing window could also be non-opening or on a restrictor to prevent overlooking into the rear garden of Pine Trees to the north.

The opening on the east facing elevation, shown on the elevation (but not in the plan) is to a bathroom. It is shown as high level but could also be obscure glazed. The other openings on the eastern elevation are to the new bedroom spaces proposed at first floor. At present there is an existing first floor window in the east

elevation located centrally. If the proposed window to bedroom two was hung to open with views down the garden of the application site the privacy to the occupiers of the Pine Trees would be improved to that of the existing arrangement, which is lawful under the earlier approved application P/2013/0948.

The corner window proposed for bedroom 1 allows for views primarily down the garden. The closest property being Briarfield or Pine Trees. Ensuring the openings of these windows are hung in such a way to reduce overlooking, the neighbour relations would be improved not worsened as a result of the development.

The openings facing south are to bedroom 1 and the integral parking space. The window in the garage could be omitted completely, however given the distance between the application site and the closest property to the south this is not unacceptable. The proximity of the application building to 1 Daphne Close is over 30m and an acceptable distance between windows.

The Snug is already overlooked quite significantly by Briarfield and Pine Trees. The development will improve the interrelationship between existing occupiers.

Intensification of use of the building

Concern has been raised that the increase in footprint will increase the activity of the property (which was originally to be used only for holiday use) thus having an adverse impact on parking and the local area. The property has been a dwelling now for several years, the number of people residing in the property has not been questioned nor is it conditioned in earlier planning permissions. It is not considered reasonable in this instance to limit the number of people who reside at this property.

The proposal shows a floor area only considered acceptable for up to 3 people based on the Local Plan dwelling space standards and therefore the consent is granted with this level of use in mind.

A continued residential use, albeit for a slightly larger property, will not cause any demonstrable impact upon amenity through intensification.

In light of a degree of concern in terms of overlooking and loss of privacy, which can be mitigated by condition, the proposal is acceptable on amenity grounds and meet the requirements of Policy DE3 of the Torbay Local Plan 2012-2030.

Highway Safety

The parking provision for the application building has been questioned during the course of the determination process and an area that has raised concern in many of the representations received. Historically the application building was a garage to Pine Trees, the property to the north. When the building was separated from the property it was agreed on the basis that Pine Trees would have two off road parking spaces. One of these was located at the front of Pine Trees accessible

from Lower Warberry Road and the other would be on a new area of paving located to the south west of Pine Trees. This remains unchanged however it would seem from numerous visits to the site as well as using GIS and Google images this arrangement is not being used as it was intended. Instead two vehicles are often seen to park transversely on the paving for Pine Trees which results in overhanging the footpath. Similarly the parking at the application site also not being utilised correctly further transverse parking and overhanging of the highway occurs.

The proposal shows two parking spaces, one partly integral and the other located parallel to the road and across the front access into the property. The spaces are considered adequate in that they meet the parking standards as set out in the Torbay Local Plan 2012-2030, this is providing the occupiers park as shown in the plans submitted.

In terms of an acceptable living environment adequate access to the property should be retained and should not be impeded by parked vehicles. There is some concern that parking within the parallel space, combined with the perpendicular space, may impede access to the property. There appears potential for parking across the front door, however adequate space could be maintained if vehicles are parked with due care. Clear delineation or a change in materials could encourage the retention of sufficient space to the front door and this could be achieved by condition.

Highways are content that the space requirements can be achieved for off road parking the proposal and with some care on retaining adequate access it is considered that the scheme is acceptable on parking and highway safety grounds.

Although raised in objections the way in which the occupiers of Pine Trees park is not a matter that should influence the determination of this application if parking provision can be adequately met. It is however important to ensure that the parking of vehicles is carried out in accordance with the approved plans and the detailed design of the hard surfacing should seek to assist in improving the existing parking arrangements.

.The parking provision for the application site can be conditioned and subsequently improved in the wider area.

Given the existing concerns over the parking arrangements it is considered appropriate in this instance to agree a Construction Management Plan via condition to ensure the impact on highway safety is not compromised and development has minimal impact on local residents.

No objections have been raised by the Councils highway officers. The proposal is considered to meet the requirements of policy TA2 and TA3 of the Torbay Local Plan 2012-2030.

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.

S106/CIL and Affordable Housing -

S106 contributions are not required from this development.

CIL: 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 planning approval/imposed conditions to enable the grant of planning permission.

Conclusions

The proposals are considered to accord with the provisions of the Torbay Local Plan 2012-2030 and all other material considerations.. The building, subject to materials, can be improved visually. The floor area for the property would meet the required standards for a 2 bed 3 person home, and the garden is large and over and above the national amenity standards. Parking provision is also met for two cars. The proposal is therefore recommended for approval.

Conditions to include:

FULL CONDITIONS SHALL INCLUDE DRAINAGE, CONSTRUCTION MANAGEMENT PLAN, PARKING, REMOVAL OF PD, OBSCURE GLAZING AND MATERIALS

1. Prior to commencement of any works above damp proof course level of the new extension, samples of all the materials to be used in the construction

of the external surfaces of the works, including the laying out and delineation of the two car parking spaces that retain adequate pedestrian access to the dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the street scene in accordance with policy DE1 of the Torbay Local Plan 2012-2030.

2. The development, hereby approved, shall be carried out in accordance with the Flood Risk Assessment dated 10th February 2016, 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. The development will then proceed in accordance with the approved details.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan "A landscape for success" 2012-2030 and beyond and paragraph 103 of the NPPF.

3. No development shall take place until a method statement for the construction of the development hereby approved has been submitted to and approved by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide details of the management of material deliveries and where they will be stored, the times of construction on the site, and the management of parking provision for visitors and contractors working on the site.

Reason: This information is required prior to the commencement of the development as it will confirm how the construction process will be managed in the interests of highway safety and local amenity in accordance with policies TA1, TA2 and DE3 of the New Torbay Local Plan 2012-2030.

4. The opening at first floor on the north facing elevation (Drawing reference 3851-02 Rev A) shall be obscure glazed and retained as such at all times. The obscure glazing level must be at least equivalent to Pilkington Level 3.

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

5. The opening at first floor on the east facing elevation to the new bathroom (Drawing reference 3851-02 Rev A) shall be obscure glazed and retained

as such at all times. The obscure glazing level must be at least equivalent to Pilkington Level 3.

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

6. All windows in the first floor east elevation, hereby permitted, shall be hung in such a manner that all views out of opened windows face south and down the garden of the application building.

Reason: To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.

7. The parking spaces, hereby permitted, shall not be used for any other purpose than for the parking of vehicles. Parking provision must take place in accordance with the arrangements detailed on drawing 3851-02 Rev A, they shall be kept clear of obstruction and only be available for the parking of vehicles. No vehicle must not overhang the public footpath.

Reason - To ensure the continued provision of off-street parking space in the interests of highway safety and to safeguard the amenities of adjoining occupiers in accordance with Policy DE1, DE3, TA1 and TA2 of the Torbay Local Plan 2012-2030.

Relevant Policies

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