

**Application Number**

P/2017/1037

**Site Address**

Allways  
Teignmouth Road  
Torquay  
TQ1 4TA

**Case Officer**

Mr Robert Pierce

**Ward**

St Marychurch

**Description**

Replacement dwelling.

**Executive Summary/Key Outcomes**

The application site comprises a detached bungalow which is accessed off Teignmouth Road. The proposal is for a replacement contemporary-styled two-storey dwelling.

The proposal is considered to be acceptable in this location. It does not have any material impact on residential amenity of neighbouring occupiers or the character or appearance of the locality within the context of the countryside area, undeveloped coast, village envelope and adjacent conservation area and county wildlife site. It meets the requirements of policies DE1, DE3, C1, C2, and NC1 of the Torbay Local Plan 2012-2030.

The application is recommended for approval.

**Recommendation**

Conditional Approval (conditions at end of report). Final drafting of condition to be delegated to the Executive Head of Assets and Business Services.

**Statutory Determination Period**

8 weeks, 28th November 2017.

**Site Details**

The application site is what remains of once a larger curtilage and dwelling that has been recently sub-divided in order to create a separate dwelling to the south east. The newly-developed neighbouring property (Boevallon House) is lower down the sloping ground and is sited closer to Teignmouth Road. The current dwelling on the site is a single storey detached bungalow with additions. The property stands in an elevated position towards the rear of the plot. The existing bungalow is typical of many properties around the Maidencombe area and is accessed directly from Teignmouth Road where it forms part of a small group of similar suburban-style properties laid out in spacious plots which together form the extensive post-war ribbon development along the Teignmouth Road.

The site is located within land which is designated in the Torbay Local Plan 2012-30 as:

- a) Maidencombe Village Envelope - Policy C1
- b) Countryside Area - Policy C1
- c) Undeveloped Coast - Policy C2

### **Detailed Proposals**

The proposal is for a replacement dwelling that will take the form of a large two storey contemporary-styled flat-roofed building with a subterranean double garage. In addition, a carport is proposed which will be 12 metres from the dwelling and a raised terrace will project from the dwelling to the carport. The footprint of the proposed dwelling will stretch almost all the way across the rectangular/ parallelogram-shaped site.

The front elevation of the proposed dwelling takes on the form of a wave shaped 'screen wall'. The design of the building behind the screen wall is quite simplistic and has an over-sailing eaves detail for its flat roof.

The resulting accommodation will comprise a large integral garage at lower ground floor level, an open plan living area and ancillary "guest" accommodation on the ground floor with a feature spiral staircase leading to 4 en suite bedrooms on the first floor. The plans also indicate that there is potential to provide an internal lift with access to all floors from the garage. There will be access from the dining area out onto a large raised terraces projecting out from the front with a double car port below. A modern palette of materials is also indicated including a smooth rendered finish to the walls, an anthracite coloured standing seam aluminium roof and anthracite coloured powder coated windows and doors.

### **Summary Of Consultation Responses**

18 representations were received - 12 objections and 6 in support

The main issues raised were as follows:

- Enormous
- Out of character with the local environment and other houses
- Over development
- Urbanisation of a beautiful rural village
- Impact on adjoining properties
- Too big
- Eyesore on the landscape
- Contrary to Neighbourhood Plan Visual impact
- Loss of privacy
- Design more suited to an airport surrounding
- Loss of views from neighbouring properties (Not a planning consideration)
- Loss of privacy
- Impact on values of properties (Not a planning consideration)

- Impact of Height increase.

### **Relevant Planning History**

P/2012/0058 Alterations and formation of loft conversion and extension with internal alterations. Approved 29.02.2012.

P/2016/1155 Replacement Dwelling. Withdrawn.

P/2012/0743 New dwelling in grounds of existing property with new improved entrance and vehicular/pedestrian access, approved 21.03.13

### **Consultations**

Highways Officer : No Objections.

Urban Design Consultant : No Objections.

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

The key issues to consider in relation to this application are the impact the proposal would have on the character and appearance of the street scene and the amenity and privacy enjoyed by the occupiers of neighbouring properties. This also needs to be considered in the context of the countryside area, undeveloped coast and village envelope.

The main issues are as follows:

#### **1) Is the principal of a dwelling in the countryside acceptable in this location?**

This site is identified as being within the Maidencombe Village Envelope. This means that although the site is within the Countryside Area, Policy C1 permits development within the Maidencombe Village Envelope which can be described as suitable infill development, refurbishments and conversions in order meet the day-to-day needs of the local community, to promote the retention and development of local services and to help maintain sustainability. In this respect, the site is considered to offer the opportunity for suitable redevelopment. The proposal is therefore considered to be compliant with Policy C1 of the Torbay Local Plan 2012 to 2030.

#### **2) Does the proposal acknowledge local character particularly in landscape terms?**

The Design and Access statement advises that the unusual wave shaped façade will give reference to its proximity to the sea (visible from distant views). Paragraph 60 of the NPPF emphasises that planning 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 or styles. It is however proper to seek to promote or reinforce local distinctiveness. There have been recent planning approvals in the area that have adopted contemporary design including:

- Port Talland Farm, Here a very contemporary dwelling replaced the original farmhouse and associated outbuildings.

- The English House, Here there are six very visible contemporary dwellings under construction.
- Boevallon, (on the adjoining plot) Here a large contemporary dwelling has been approved.

The proposed replacement dwelling will stand towards the rear of the site and although it will be in an elevated position and will have a much greater bulk and massing than the existing bungalow it will not be visually prominent from Teignmouth Road and will only be noticeable from distant views. Consequently it will have far less visual presence than the examples of contemporary architecture referred to above. The use of modern but sympathetic materials is considered to be appropriate particularly the use of render which reflects the vernacular style of Maidencombe.

It is therefore considered that the proposed replacement dwelling will comply with the criteria of Policy DE1 of the Torbay Local Plan 2012 to 2013 in that it acknowledges local character and will evolve high level architectural detail with a distinctive and sensitive palette of materials.

### 3) Is the plot large enough?

This is a very large plot and the proposed dwelling will sit quite comfortably across width of the top of the site. The main dwelling will be sited in a similar location to the existing property. It will be orientated slightly differently to take advantage of the commanding views and will retain a similar size of footprint. The proposed car port will extend the built form further to the north east towards Teignmouth Road than the existing property. The new property will retain generously sized gardens to the front and rear.

It is therefore considered that the proposed replacement dwelling will comply with the criteria of Policy DE3 of the Torbay Local Plan 2012 to 2013 in that there will be provision for a good level of useable amenity space for future occupiers.

### 4) Will the proposal cause harm to the amenity of adjoining properties through overlooking, overbearing impact, loss of light or privacy?

The plans indicate that the proposed dwelling will have a flat roof that will be less than 1 metre higher than the ridge of the pitched roof of the existing bungalow. The replacement design is a two storey building (with a flat roof) rather than a single storey with a conventional roof. The result of this is that the replacement design will (although occupying a similar sized footprint) have much greater bulk and mass and its scale will be dramatically increased. However because of the distance away from the adjoining occupiers it is not considered that it will have any adverse impact by way of being overbearing or being visually intrusive. The properties to the rear of the application site have large rear gardens and it is not considered that there will be any issues with adverse overlooking or overbearing impact. The proposed dwelling has been designed with the largest principle windows on the front elevation to take advantage of the commanding views. A potential overlooking issue into property to the front "Beovallon" has been addressed with a proposed boundary planting

scheme which will act a screen between both properties. It would be appropriate to impose a condition to ensure that this screen planting is permanently retained.

It is therefore considered that the proposed replacement dwelling will comply with the criteria of Policy DE3 of the Torbay Local Plan 2012 to 2013 in that it will not have any adverse impact on the amenities of the adjoining occupiers.

**5) Are there any ecological issues?**

The application was accompanied by a Bat and Protected Species Survey and this concluded that the existing building does not support a bat roost and that the proposed demolition works are unlikely to result in disturbance to bats or to significantly affect the distribution or abundance of local populations. No former bird nests were identified in association with the building and there were no implications perceived for any other protected species in relation to the proposal.

**S106/CIL -**

The proposed replacement dwelling is located outside the built up area and therefore the rate for CIL Charging Zone 3 is applicable. This is charged at £70 per square metre for any increase in the gross internal floorspace when compared to the floor area of the existing dwelling . The submitted CIL Form has indicated that the existing floorspace is 147 square metres and the proposed floorspace will be 326 square metres. This will result in a net additional gross internal floor space following development of 179 square metres. The amount of CIL levy on the proposed development is therefore calculated to be £12,530.

**Conclusions**

The overall proposal is considered to be appropriate for planning approval. The size, scale and design of all elements of the application are considered to be acceptable retaining the character and quality of the countryside area and Conservation Area and the amenity of the neighbouring properties is considered to be retained in accordance with policies C1, C2, DE1, DE3, NC1 of the Torbay Local Plan 2012-2030.

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

01. The parking facilities shown on the approved plan shall be provided before the use of the development hereby approved commences and thereafter used for no other purpose.

Reason: To ensure that parking facilities will be available at all times to serve the premises, in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

02. Notwithstanding the approved plans listed under Condition P1, prior to the first use of the dwelling hereby permitted, a detailed Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority.

The Landscaping Scheme shall include details of hard and soft landscaping, including all boundary treatments. It shall include screen planting along the north east boundary of the site to Boevallon House. This will include details of hedgerow and tree species and methods of planting. It shall also include the arrangements for the display of samples of hard surface materials on site prior to the approval of the same. The hard landscaping shall be constructed as approved prior to the first use of building. The soft landscaping shall be planted within the first planting season following the first use of the dwelling or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the building die, are removed or become seriously damaged and diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of residential amenity and design in accordance with Policy DE1 of the Torbay Local Plan 2012 to 2030, and paragraph 58 of the NPPF.

03. The existing trees and hedgerows shall be retained and protected for the duration of the construction of the development in accordance with a scheme to accord with BS5737.2012 'Trees in Relation to Design, Demolition and Construction' which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The protection measures shall be implemented at all times during the course of the construction works.

Reason: To ensure the trees are protected and in the interests of visual amenity in accordance with Policy SS8 and C4 of the Torbay Local Plan 2012-2030. This information is required prior to the commencement of development to ensure no harm occurs to existing landscape features.

04. The north east boundary planting referred to in condition 4 shall be permanently retained at a minimum height of 1.5 metres.
05. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority: Evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. The submitted scheme 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. On site all surface water shall be safely managed up to the "1 in 100 year critical rainfall event plus an allowance for climate change" conditions. This will require additional water storage areas to be created thereby contributing to a reduction in flooding downstream. The dwelling shall not be occupied until the approved surface water drainage system has been completed as approved and the said approved drainage system shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with policies ER1 and ER2 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.

06. No development shall take place until details of how foul drainage from the development will be discharged into a septic tank have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate sewage disposal system is incorporated into the development and to comply with Policy ER2 of the Torbay Local Plan 2012 to 2030.

07. The development shall proceed fully in accordance with the Recommendations (Section 6) outlined within the accompanying "Bat and Protected Species" Survey (Ecologic: 31st October 2017). In accordance with the recommendations if any bats or nesting birds or evidence of bats or nesting birds are found then works should stop immediately and a suitably qualified ecologist should be contacted for further advice. Prior to the occupation of the development at least one bat roosting box and one bird nesting box should be installed (as indicated at Appendices 2 and 3) of the "Bat and Protected Species" Survey.

Reason: To ensure against harm to protected species and to achieve a positive biodiversity gain in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

08. Prior to the commencement of development (excluding demolition) the following details, to a scale between 1:1 and 1:5 where appropriate, shall be submitted to and approved in writing by the Local Planning Authority;(i) samples or and illustrative sample chart of all external materials and hard surfacing identifying colour and form of materials,(ii) reveal details (iii) window colour and cross section(iv) door colour and cross section (vi) all means of enclosures, including balcony railings or enclosures. The development shall proceed fully in accordance with the approved detail.

Reason: To secure appropriate form of development in accordance with Policy DE1 of the Torbay Local Plan 2012-2030. These details are required prior to commencement in order to establish a suitable detail of development.

### **Relevant Policies**

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