

Application Number

P/2017/1182

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

Mr Robert Pierce

Ward

Wellswood

Description

New dwelling with accommodation over 3 floors, associated parking, double garage (revised plans received 16 February 2018)

Executive Summary/Key Outcomes

This is an application for approval of reserved matters following the granting of outline planning permission for a single dwelling on the western part of the larger plot of 42 Whidborne Avenue (Access Approved under P/2017/0490/OA). Outline planning permission also exists for a single dwelling on the eastern part of the garden. The principle of erecting two dwellings on the whole plot has therefore been established and is not part of the consideration of this application which relates only to reserved matters details.

Prior to the approval of the Outline planning permission to which this reserved matters relates (the western side of the plot), an application for full planning permission for was refused by Members of the Development Management Committee at their Meeting in May 2017 for the following reason:

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.

A subsequent Appeal against this decision was dismissed in September 2017 and this application now seeks to address the adverse effects that the Planning Inspector considered that, that scheme had on the character and appearance of the area.

The proposed dwelling presents a pitched roof to the road frontage with a flat roofed, zinc clad dormer and two rooflights set within it. It would have an integral

double garage with a 'feature' contemporary rectangular box projecting out above it on the front elevation. The result is a more traditional appearance to the front which would be in contrast to a modern 3 storey flat roofed rear elevation which incorporates a recessed First Floor 'box' projection and roof terrace.

The design of this latest scheme while more modern is considered to have addressed the Planning Inspector's concerns and it would be acceptable in this location and would not have any material detriment to the residential amenity of neighbouring occupiers or the character or appearance of the locality. As such the proposal is consistent with Policies DE1 (Design), DE3 (Development Amenity) and DE4 (Building Heights) of the Torbay Local Plan 2012-30.

The application has been referred to the Development Management Committee due to the number of objections that have been received. These refer to a number of issues including impact on amenity of the area, overlooking, the design and density of the proposed development.

Recommendation

Conditional approval of all Reserved Matters (layout, appearance, landscaping and scale) with final details of the conditions delegated to the Executive Head of Assets and Business Services.

Statutory Determination Period

12th January 2018 (Due to the re-advertisement of the revised plans an Extension of time has been agreed by the applicant until 20th April 2018).

Site Details

The site is currently occupied by a vacant bungalow style of dwelling which has a limited amount of accommodation included at first floor within its roof form, that has a distinctive 'eye - brow' dormer to the front. A public footpath (which follows the steep slope down to Bishops Rise) and a wedge of vegetation runs alongside the western boundary of the site, with the vegetation providing effective screening to the property next door (44 Whidborne Avenue). The site has a broad street frontage with two existing vehicular driveways. The appearance of dwellings in the vicinity of the application site is not uniform, however the characteristic form of buildings along this suburban street is for them to be wide-fronted with their main roof pitches orientated parallel to the highway and smaller secondary gabled features presenting perpendicularly to the street. The curtilage of the plot is defined by an existing stone wall situated to the front of the plot and an existing rear and west side 2.0 metre high stepped boundary rendered wall.

Whidborne Avenue is sloping at the application site, and No 42 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 side and frontage of the site are open when approaching from the west although some existing planting does filter views of the existing property to a certain extent.

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 approval of reserved matters comprising layout, appearance, landscaping, scale following the granting of outline planning permission for a single dwelling on the western part of the larger plot of 42 Whidborne Avenue. Access was approved at outline stage.

Outline planning permission also exists for a single dwelling on the eastern part of the garden. The principle of erecting two dwellings on the whole plot has therefore been established.

The original plans submitted with this application were revised (and re-advertised) as the result of negotiations with the Case Officer and the Urban Design Consultant. The plans indicate that the proposed dwelling would be sited within the western half of the sub-divided site (plot 42) and would not project any further forward than the furthest front edge of the existing property. It would be split level with the site being excavated to allow the new dwelling to be partly set down. With the introduction of a pitched roof, the building would appear as two storeys from the front elevation and three storeys from the rear. The ridge height of the pitched roof would be slightly higher than the existing property.

The resulting accommodation would be arranged on three levels as follows: Lower Ground Floor - Integral double garage, utility room and two en suite bedrooms leading out onto a rear garden terrace, Ground Floor - entrance porch leading to a hall / reception area and open dining, kitchen and living areas with the latter leading out onto a balcony with steps leading down to the garden. First floor - en suite facilities, dressing room and a master bedroom set within a recessed box leading out onto a roof terrace

The external finishes would be white render, front dormer finished in grey zinc,

natural slate roof, black grey crittall windows and medium coloured oak entrance and garage doors.

It is also proposed to plant a mature tree on the site between the two approved building plots that would eventually grow above the ridge line.

Summary Of Consultation Responses

Highways Engineer: No objections.

South West Water: No objections.

Drainage Engineer: As per previous scheme - Providing the surface water drainage system and soakaway is constructed in accordance with the revised hydraulic design, no objections on drainage grounds to planning permission being granted.

Urban Design Consultant: Content with the revised scheme (including larger dormer) and reasonably addresses the Inspector's points. Supports the scheme.

Summary Of Representations

A letter in support

Numerous representations objecting

Main issues raised:

- Impact on local area
- Rear is overpowering
- Impact on open aspect
- Tree will take too long to grow
- Alarming height of 3 floors
- Size and random design
- When other house built will look like a block of flats
- Will alter the skyline
- Out of character with the area
- Impact on immediate neighbour (No 40) -loss of light and view
- The style is out of keeping.
- Breach of covenants (Not a planning issue).
- Out of character with neighbouring and other houses
- Size and mass
- Increase in bulk
- Inspector's comments not addressed
- Same monolithic projecting box remains
- Overlooking from balcony

Relevant Planning History

P/2016/0932	Demolition of dwelling and proposed replacement dwelling Refused - 30/11/2016
P/2016/0933	Demolition of dwelling and proposed replacement dwelling shown as 42A (in outline) Refused - 01/12/2016
P/2017/0259	Resubmission of application P/2016/0932/PA- Demolition of dwelling and proposed replacement dwelling with associated works (Appeal Dismissed 12.09.2017.) APP/X1165/W/17/3177247Refused - 25/05/2017
P/2017/0260	Demolition of dwelling and proposed replacement dwelling shown as 42A (in outline). Approved- 11/05/2017
P/2017/0490	Demolition of dwelling and proposed replacement dwelling (in outline) Approved - 20/07/2017

Key Issues/Material Considerations

The key issues to this planning application (P/2017/1182/RM) are as follows:

General Principle and Planning Policy -

The plot has an established residential use and sits within a wider residential estate. The majority of the dwellings are detached and set back from the road with parking areas and front gardens. There is a mixture of both bungalows (some with dormers) and two storey houses. The subdivision of the larger plot is already established by virtue of the outline planning approvals for two individual houses. The proposed dwelling would result in an additional house to help meet the need for housing with the associated social and economic benefits. The development would therefore accord with parts of Policy DE1 of the Torbay Local Plan 2012 to 2030.

Visual Impact -

The design of the proposed dwelling seeks to address the Inspector's points from the refusal of application P/2017/0259, the original submitted plans with this application were revised as the result of negotiations between the Agent, the Case Officer and the Council's Urban Design Consultant.

The design of the dwelling which was dismissed at appeal took on the appearance of a modern flat roofed 'cubist' design. In his Appeal Decision Letter, the Inspector was concerned that this flat roof design would have meant that its full height would project significantly further forward than the existing ridge line. In his opinion this would have resulted in a significant built form at first floor level which would have been above the ridge line of the neighbouring properties to either side. When

approaching the site from either direction the dwelling would have appeared uncharacteristically dominant and erode the sense of space at roof level. Due to the prominence of the site, and the open views from the west, he considered that these factors would have accentuated the uncharacteristic form of the dwelling. It would have appeared monolithic and discordant with the locally distinctive character of the immediate area.

The revised plans now indicate the roof has been re-designed and now presents a steeply sloping roof finished in natural slate. The accommodation within the roof space would lit by a rectangular box dormer finished with a zinc exterior set within one side of the roof slope and two velux windows on the other side. To compliment the more traditional design of roof, a contemporary rectangular box projection is retained as an architectural feature.

In contrast to the more traditional appearance of the front elevation the dwelling the design to the rear has retained the 'cubist' influence with accommodation on three levels with the upper master bedroom leading out onto a roof top terrace. The redesigned roof to the front half of the proposed dwelling now introduces a more traditional sloping ridgeline. It is considered that this updated design approach has addressed the issues of concern raised by the Planning Inspector in that the 'cubist' concept has been replaced by a traditional roof to the front elevation. It now reflects the steeply sloping roof of the existing property, it will no longer be monolithic and discordant with the locally distinctive character of the immediate area. It will less visually prominent in the street scene especially when viewed from the west. Inevitably the east elevation will be visible from the other end of Whidborne Avenue, however this will not be the case once the other half of the site is redeveloped and none the less is considered acceptable as part of the street scene .

The rear of the properties along Whidborne Avenue are visible from distant views from across Ilsham Valley, it is not considered that the three storeys to the rear will be unduly prominent within this row of houses.

The agent has confirmed that in order to reduce bulk, the revised scheme in relation to the refused/dismissed scheme has a reduction of the useable floor space by 25 square metres and a reduction in total volume by 178 square metres.

The National Policy Framework (NPPF) generally discourages local policy and decision making that is based on stylistic preference except where Conservation Areas exist or perhaps where an adopted Neighbourhood Plan has a specific policy based on some careful analysis providing evidence of a locally distinctive approach. NPPF para 60 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.

The proposal has reduced the extent of the built form at first floor level to the front half of the dwelling is therefore considered to provide residential development that is appropriately scaled and formed, would sit comfortably within its surroundings and thus preserve the character and appearance of the street scene.

It is also proposed to plant a significant tree to the front of the middle of the plot next to the road frontage. The idea is to select a specimen which once fully matured will grow to a height above the two proposed dwellings. Its foliage would then be visible from across Ilisham Valley and add a verdant backdrop to the rooflines. It would also result in making a positive contribution to the public domain by introducing a mature specimen (as opposed to ornamental planting) within the street scene and would contribute to the creation of a high quality landscape. The landscaping scheme is therefore considered to be acceptable.

Given the considerations set out above it is now considered that the proposal would accord with Policies DE1, DE3 and DE4 of the Torbay Local Plan 2012-30.

Residential Layout -

The proposed detached dwelling has adequate separate parking and outdoor amenity space, offered through balconies, terraces and gardens. The internal space is considered spacious and features rooms of an acceptable scale with adequate natural lighting and outlooks in order to offer a good residential environment. The proposal is considered to offer an acceptable residential environment for future occupants. As such the proposal would accord with Policy DE3 of the Torbay Local Plan 2012-30.

Neighbour Amenity -

In terms of immediate neighbours, No 44 Whidborne Avenue is well separated from the west boundary of No 42 by a public footpath and an adjoining strip of woodland. This level of separation between the two plots is considered to be enough to avoid any overbearing impact or overlooking from the proposed balcony and roof terrace to the rear of the property. It is not considered that the proposed dwelling will have any negative impact on the residential amenity enjoyed by the occupiers of No 40 Whidborne Avenue because the gap between the two properties and ultimately it will be separated by the approved 'outline' dwelling on the other half of the plot. Consequently the proposed dwelling will be consistent with the objectives of Policy DE3 (Development amenity) in the Torbay Local Plan 2012-30.

Highway, Parking and Access -

The proposed dwelling would utilise the existing vehicular and pedestrian access. It would have a large integral double garage which would be set down below the

level of the road frontage following excavation of part of the site. The Highway engineer has raised no concern in regard to utilising this established access arrangement and the level of parking is considered in line with policy guidance.

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. The design of the retrospective garden walls on the north and west boundaries incorporate bird nesting boxes and frog and hedgehog highways and accords with Policy NC1.

Flood Risk –

A Surface Water Drainage Design Report has been submitted which has been assessed by the Council's Drainage Engineer who is satisfied that this is acceptable and therefore the proposal accords with 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.

Torquay Neighbourhood Plan-

The Torquay Neighbourhood Plan completed its Regulation 16 Publicity Period consultation on 18th December 2017. The Neighbourhood Plan will be subject to Independent Examination in Spring 2018. As such it is at an advanced stage of preparation. National Planning Policy Framework paragraph 216 (in Annex 1) states that from the date of publication, decision takers may give weight to relevant policies in emerging plans (unless material considerations indicate otherwise)

according to their stage of preparation, extent to which there are unresolved objections and degree of consistency with national planning policies. Relevant policies in the Torquay Neighbourhood Plan now carry some weight as they have now completed two rounds of public consultation and reflect the wishes of the Neighbourhood Forums. The weight afforded to emerging Neighbourhood Plan policies is a matter for the decision-taker in accordance with the NPPF 216 criteria. Relevant policies include:

Policy H13 which requires development to be in character, scale, bulk and design sympathetic to the established surrounding architecture and must not significantly increase the density of properties in the immediate area. It is considered that the proposal meets the criteria of Policy H13.

Local finance considerations-

Not applicable.

Statement on CIL Liability-

The development is CIL liable. The site is within charging zone 3 where the CIL charge is £70 per sq.m.

Conclusions-

The revised plans now indicate a more traditional style of dwelling to the front elevation albeit with a reduced architectural cube feature. This in part retains the local distinctiveness but with a more modern finish, the tall mono-pitched roof climbs from what is approximately the existing eaves height up to a level very slightly higher than the existing ridge height. This roof disguises the three storey 'cubist' element to the rear which is considered to provide an acceptable design within the wider context of the street scene.

It respects the roofline of properties along Whidborne Avenue and will not be visually prominent along the ridgeline from distant views across the valley to the rear.

The design and orientation of the proposed dwelling has addressed any issues of overlooking and loss of privacy to the immediate neighbours and is considered acceptable.

Highway safety for all users is protected by utilising the existing vehicular access with onsite parking at a level that would mitigate any additional pressure for on-street parking (which is however low in this area).

In conclusion all matters considered the scheme is considered to sit comfortably with the provisions of the development plan and national guidance for the presumption in favour of sustainable development and therefore the reserved matters : (i) layout; (ii) appearance (including schedule of external materials to

include hard-surfaced areas) ; (iii) landscaping (to include soft landscaping, boundary treatments and all means of enclosure); (iv) scale and considered suitable for planning conditional planning approval.

Relevant Policies

-