

**Application Number**

P/2018/0531

**Site Address**Ocean Court  
Vane Hill Road  
Torquay  
TQ1 2BZ**Case Officer**

Miss Emily Elliott

**Ward**

Wellswood

**Description**

Replacement of pitched roof to provide living space and roof terrace.

**Executive Summary/Key Outcomes**

This planning application proposes the replacement of the existing pitched roof to the northern arm of the dwelling with an extension to provide living space and a roof terrace.

The application has been referred to Development Management committee due to the applicant being a Ward Member.

The proposal is considered to be in accordance with Policies DE1 Design, DE3 Development Amenity, DE5 Domestic Extensions, SS10 Conservation and the Historic Environment, NC1 Biodiversity and Geodiversity, C4 Trees, Hedgerows and Natural Landscape Features and ER1 Flood Risk of the adopted Torbay Local Plan 2012-2030 and is therefore recommended for approval.

**Recommendation**

Approval.

**Reason for Referral to Development Management Committee**

As the proposed development is on land owned by a Ward Member, the Council's constitution requires that the application be referred to the Development Management Committee for determination.

**Statutory Determination Period**

The eight week target date for determination of this application was 18th July 2018. An extension of time to 17th August 2018 has been agreed.

**Site Details**

The application site comprises a dwelling and its curtilage, located at Ocean Court, Vane Hill Road, Torquay. The building is a modern, uniquely designed detached mid-20th century dwelling located on a prominent, elevated position along the Vane Hill Road frontage overlooking Torquay Harbour. The application site is built

upon a number of levels due to the nature and topography of the land. The site is located behind the dominant three high-rise blocks at Shirley Towers.

The site is located within the designated Torquay Harbour Conservation Area. Vane Tower (Grade 2 Listed Building) is in the vicinity of the site and there are protected trees on site and in close proximity to the site.

### **Detailed Proposals**

The application proposes the replacement of the existing pitched roof of the northern flank of the existing dwelling with a mono-pitched roof extension which would mirror the existing structure on the southern flank of the dwelling. The proposed mono-pitched roof extension will provide a kitchen dining area that will replace an existing kitchen. The existing kitchen will become a study and the proposed kitchen dining area will include bi-fold doors which will lead onto the roof terrace area.

The proposed mono-pitched extension will be finished in walls of rendered timber and will have roof slates to match the host dwelling. The proposed extension will include a window to both the north-west and south-east elevations, as well as bi-fold doors to the north-east elevation. The proposed extension will measure 3.4 metres by 6.2 metres and have a maximum height of approximately 4.5 metres from the existing floor level, but will only measure 2.5 metres above the existing pitched roof it will replace. The proposal will not be at a height above the existing mono-pitched roof on the southern flank.

The proposed roof terrace will measure 4.4 metres by 5.2 metres. The balustrading will be set back from the parapet to create a perimeter planting area. The proposed planting area will soften the design. The proposed extension and a roof terrace will not increase the footprint of the dwelling.

### **Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

#### Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")

#### Material Considerations

- Emerging Torquay Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)

- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

### **Summary Of Consultation Responses**

Conservation and Design Officer - Satisfied that the proposed design overcomes the concerns raised in the previous appeal decision (APP/X1165/D/15/3134648) and that the proposed development will not have an adverse impact upon the character and appearance of the Torquay Harbour Conservation Area and the setting of Vane Tower which is a nearby Listed Building. The proposal satisfies the statutory tests set out in Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act 1990 and the heritage tests set out in the National Planning Policy Framework in respect of heritage asset significance. Recommends the application for approval.

### **Summary Of Representations**

The application was publicised through a site notice and neighbour notification letters. Five neighbour notification letters were sent to those neighbours which the development could affect. No representations have been received.

### **Relevant Planning History**

P/1993/0081: Enclosure of open area below lower ground floor to form glazed sun terrace. Approved 03/03/1993.

DEP/2010/0478: Solar Panels on roof. Approved 30/09/2010.

P/2015/0479: Construction of additional storey. Refused 31/05/2015.

APP/X1165/D/15/3134648: Appeal in relation to P/2015/0479. Dismissed 26/01/2016.

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

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

1. Visual amenity
2. Neighbour amenity
3. Ecology and trees
4. Flood risk
5. Other considerations

#### **1. Visual amenity**

Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy DE5 of the Local Plan states that extensions to domestic dwellings should not dominate or have other adverse effects on the character or appearance of the original dwelling or any neighbouring dwellings or on the street scene in general.

An extension to the host dwellinghouse would not be inimical to the underlying character of the area and the proposal addresses and satisfies the concerns previously raised by the Appeal (APP/X1165/D/15/3134648). The proposal maintains the step-down in the building form reflecting the falling land levels along the street frontage, the proposed fenestration detailing would complement the existing openings and it would rectify and detract the visual appearance of the awkward first floor overhang on the northern flank. Given its siting, scale, and design it is considered that the proposed extension would be subservient to the host dwelling and would not result in unacceptable harm to the character or visual amenities of the locality.

Policy SS10 of the Local Plan states that proposals that may affect heritage assets will be assessed on the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas, whilst allowing sympathetic development within them. The Conservation Officer is satisfied that the proposal in relation to scale and massing is appropriate and is satisfied that the design will not have an adverse impact on the character and appearance of the Torquay Harbour Conservation Area or on the setting of the nearby Listed Building Vane Tower.

Therefore, the proposal is considered to be in accordance with Policy DE1 Design, DE5 Domestic Extensions and SS10 Conservation of the Historic Environment of the Local Plan, and the guidance contained in the NPPF.

## **2. Neighbour amenity**

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

The proposed development is on the northern side of the dwelling, which is adjacent to Vane Hill Road, and no neighbouring property is directly within the vicinity of this part of the dwelling. Neither the proposed extension nor the roof terrace would result in an unacceptable level of overlooking on any nearby neighbour. Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours in terms of their outlook, privacy, access to light, or in any other respect.

In terms of its impact on neighbouring amenity, the proposal is considered to be in accordance with Policy DE3 of the Local Plan.

## **3. Ecology and trees**

The application has been accompanied by an ecological survey report. This report confirmed that the proposal would not impact upon nesting birds and no evidence of bats was found. No further surveys are required. The proposal would build upon an existing built form and therefore the protected trees on site and in close proximity to the site would not be affected directly or indirectly.

The proposal therefore complies with Policies NC1 and C4 of the Local Plan.

#### **4. Flood risk**

Policy ER1 Flood Risk of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area. As the proposed development would not result in an increase in the impermeable area on the site, the proposal is deemed acceptable in terms of its impact on surface water flooding. Given the nature of the proposal, the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

#### **5. Other considerations**

This assessment has been undertaken having regard to the provisions of the emerging Torquay Neighbourhood Plan.

#### **Local Finance Considerations**

##### **S106/CIL -**

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

#### **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 - 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.

#### **EIA/HRA**

##### **EIA:**

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

## **Conclusions**

The proposed development is considered acceptable, having regard to the adopted Torbay Local Plan 2012-2030, and all other material considerations.

## **Relevant Policies**

DE1 - Design

DE3 - Development Amenity

DE5 – Domestic Extensions

ER1 – Flood Risk

NC1 – Protected Sites

SS10 – Conservation and Historic Environment