

**Application Number**

P/2018/0184

**Site Address**Astoria Court  
5 Belle Vue Road  
Paignton  
TQ4 6ES**Case Officer**

Mr Alexis Moran

**Ward**

Roundham With Hyde

**Description**

Conversion of existing building to form 5 houses and 5 apartments, including: demolition of existing extensions, erection of two-storey and first-floor extensions, installation of three new dormers, and formation of pitched roof over existing flat roofed outbuilding.

**Executive Summary/Key Outcomes**

The application seeks permission for the creation of 5 houses and 5 apartments, along with associated development, including a 16 space car park and associated amenity space.

The site includes a key building within the Roundham and Paignton Harbour Conservation Area.

Whilst the application proposes some positive alterations to the original property, including the restoration of some of the original features, the extension to the east of the original building, which includes a two-storey element, is deemed to be of an excessive length and scale. The extension would be wider than the original building and rather than being subservient to it, would appear to be overly dominant, resulting in harm to the character and appearance of the original property. The proposal would neither preserve nor enhance the character of the conservation area. The proposal is therefore deemed to be contrary to Policies SS10 and DE1 of the Torbay Local Plan 2012-2030.

**Recommendation**

Refusal

**Reason for Referral to Development Management Committee**

The proposal is a Major development.

**Site Details**

The site includes a large, two-storey, brick, render and tile-hung building, which is currently in use as 15 holiday units and 5-bedroom owners accommodation, along with its curtilage.

The main building of Astoria Court has been altered and extended with a two

storey flat-roofed block to the south-east corner and a two-storey, pitch-roofed 20th Century extension to the east, which is attached to the main, original building by a single-storey link block. The main building is set back by some 40m to the east of Belle Vue Road.

A large sandstone wall forms the western boundary of the site with a detached garage located to the south of the main entrance, which is partially attached to the boundary wall.

The site is within the Roundham & Paignton Harbour conservation area; an area Tree Preservation Order covers the site.

### **Detailed Proposals**

The application seeks permission for 5 houses and 5 apartments, with 16 car parking spaces within the application site, and associated amenity space.

The existing detached garage on the western boundary of the site is to be converted and extended with the addition of a pitched roof, to provide a single unit. This is illustrated on the submitted plans as unit 1.

The original part of the house will be divided to form 5 apartments (Units 2-6). This would involve the addition of roof-lights to the north-eastern, or principal, elevation and three small, pitch-roofed dormers to the rear, south-western elevation of the original building.

The two-storey, twentieth-century extension to the east would be extended to its rear with a two-storey extension of 3m in length and 8.5m in width. The height of the extension has been amended during the application process to be the same height as the existing. The proposed extension to the east would include three pitch-roofed dormers, punctuating through the eaves level. The extension would form three 2-bed houses (units 7-9).

The existing single-storey link is to be increased by a storey. The overall length of the extension to the east would therefore read as one attached structure to the original property measuring 16.7m in length.

An octagonal roof is to be added to the two storey flat roof extension to the rear of the original dwelling (to its south-west) which is to be remodelled to form a 1-bed house (Unit 10).

Unsympathetic windows in the existing extensions are to be replaced with windows appropriate to the character of the original property and the wider conservation area.

There would be around 297m<sup>2</sup> of floor space demolished, with 454m<sup>2</sup> of new build. This gives a total additional floor area of 157m<sup>2</sup>.

### **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**

#### **Drainage Engineer:**

Providing the surface water drainage is constructed in accordance with the submitted hydraulic design there are no objections on drainage grounds.

#### **Highways:**

No objection

#### **Historic England:**

No comment

#### **Conservation Officer:**

There are indeed some good things in this application however this does not overcome the objections to the replacement wing for later 20th century extension. It is worth repeating that under Policy SS10 we would normally be seeking the complete removal of the wing without replacement.

The reduction in ridge height of units 8 & 9 is welcome, especially against the south-east elevation gable (drwng 3841-104 B-P1). However the sheer length of the rear roof, against that of the main block (the original building) in proportion of 55:45 clearly shows this to be excessive and another argument for reducing units 7, 8, & 9 from three to two here, and probably altering the roof line between the two units.

The rear extensions to the new units 8 & 9 add nothing to the building except a new and unwelcome form; they remain aesthetically unpleasing and are

particularly overbearing to bedroom two and the private amenity space of unit 2.

The windows of the original proposed gable end on the south east return were alien in form to all other windows, but we did not ask for their removal. This is welcome and simply reflects a better understanding of the obvious geometry at the point of attachment.

The scale of the redevelopment at the rear: an insistence on 3 units instead of 2. The excessive length of these three units whether viewed from the front (north-east elevation) or the rear (south-west elevation) highlights the lack of subservience of the new work to the old. These units as here proposed neither enhance the original key building nor the wider Roundham & Paignton Harbour conservation area.

**Arboricultural Officer:**

The tree protection plan defines adequate protection zones for the dominant trees on site and should be an approved document for implementation as part of any consent.

The proposed landscape plan indicates suitable shrub and lower plant proposals for the site and positions trees in suitable locations. Greater detail of planting pits, table of prescriptive watering volumes, mulching, staking and so on will be required. Also tree sizes proposed are small and should be a minimum of 12-14cm girth and of rootballed or containerised stock type. BS.8545 contains expansive details on tree planting and establishment.

**Recommendation**

That the scheme be suitable for approval on arboricultural merit however greater detail is required for the soft landscape elements as noted above.

**Police Architectural Liaison Officer:**

From a designing out crime, fear of crime and disorder perspective the Police raise no objections to the proposal

**Strategic Transport:**

No comments received.

**Summary Of Representations**

1 letter of objection has been received. Issues raised by the objectors:

- The lodge to the front of the site is out of keeping with the building line.

**Relevant Planning History**

DE/2017/0185 - Change of Use from Holiday Units with Owners Accommodation to 9 Self Contained Residential Units; the applicant was provided with a positive response to the proposal for 9 units.

## **Key Issues/Material Considerations**

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

1. Principle of the development
2. Visual impact
3. Amenity
4. Drainage
5. Ecology and trees

### **1. Principle of the development**

Policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas, and elsewhere within the built-up area, will be supported subject to consistency with other policies in the Local Plan. It is noted that the Council is currently falling short of its 5-year housing land supply and that the proposal would make a contribution to this shortfall being addressed.

The historic use of the building is as holiday apartments with owner's accommodation. The site is located outside a Core Tourism Investment Area. Policy TO2 (Change of use of tourism accommodation and facilities) states that the change of use of holiday accommodation or facilities outside Core Tourism Investment Areas will be permitted where:

1. The holiday character of the area and range of facilities and accommodation are not undermined; and
2. One or more of the following apply: the site is of limited significance in terms of its holiday setting, views and relationship with tourism facilities; or it can be demonstrated that there is no reasonable prospect of the site being used for tourism or related purposes, or; the redevelopment or change of use will bring regeneration or other benefits that outweigh the loss of holiday accommodation or facilities.

Policy TO2 also requires that where a change of use away from tourism is permitted, there will be a requirement to restore buildings or land to their original historic form by the removal of unsightly features, signage, clutter and extensions relating to the holiday accommodation use. Additionally, a high priority will be given to restoring the character and appearance of buildings within conservation areas.

It is considered that the proposed conversion from holiday accommodation to residential would not significantly undermine the holiday character of the area or the range of holiday facilities. It is also considered that the proposal would bring other benefits, such as the provision of housing to help address the shortfall in the Council's 5 year housing land supply. The proposal has the potential to enhance the original property by restoring some of its historical character and this will be assessed in further detail later in this report. In principle, the proposed change of use is acceptable.

## **2. Visual impact**

Policy SS10 of the Torbay Local Plan 2012-2030 states that developments within the conservation area should preserve or enhance its character; this is in compliance with the NPPF. Indeed Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy DE1 states that development should be well designed, respecting and enhancing Torbay's special qualities and the character of the natural built environment including areas and buildings of historic interest.

The proposal would involve amending and improving a number of unsympathetic extensions to the original building and the restoration of the period detail of the property with the porch to the entrance of the building being reinstated to its original width. The materials proposed in the external finish are in keeping with the original property. Unsympathetic windows are to be replaced with windows appropriate to the character of the original property and wider conservation area.

However, whilst the length of the original building is 14m, the length of the enlarged eastern extension to the east would be 16.7m. The extension would therefore be greater in length than the original property and therefore would not appear as a subservient addition.

The excessive width and built form associated with the enlarged extension to the east of the original building, and the two storey extension to the rear of it, would have an over-dominant impact on the character and appearance of the original building, which is designated as a key building in the conservation area.

Officers have attempted to find a positive solution to this by advising that the extension to the east should be reduced in scale, resulting in the development reducing from 10 units to 9. However, in this instance, the applicant has advised that they wish the development to be determined for the scheme of 10 units.

It should be noted that applying Policy TO2 in full would result in the requirement to remove all unsympathetic extensions to the original property, which would leave just the original building to be subdivided.

For the reasons mentioned above, it is considered that the proposal would result in an unsympathetic addition to the original property, which would neither preserve nor enhance its original character, or the character of the wider Roundham and Paignton Harbour conservation area. As such it is deemed to be contrary to the requirements of Policies SS10, DE1 and TO2 of the Torbay Local Plan 2012-2030.

It is considered that the proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset which would not be sufficiently

outweighed by public benefits. Therefore the proposal would be contrary to Paragraph 193 of the NPPF.

### **3. 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 duly impact upon the amenity of neighbouring and surrounding uses.

The proposed development would have a limited impact on the amenities of occupiers of nearby properties in the area.

However, it is considered that the standard of accommodation for some of the proposal's occupiers would be compromised. The combination of the single storey increase to the existing link building and the additional two-storey extension to the rear of the extension to the east of the original building, would result in dominant additions in relation to Unit 2. The proposal would result in a poor outlook and lack of natural light in relation to this unit, particularly its amenity space. Moreover, the window in the side elevation of the rear extension of unit 8 would result in overlooking to unit 2 and its external amenity space.

There are also potential amenity issues in relation to the communal gardens to the front of unit 6 which may result in conflict with users of the garden and occupiers of the unit. However, these concerns could be overcome by securing appropriate boundary treatment and landscaping.

As the proposal would result in what is considered to be a poor standard of accommodation for some of the proposed units, it is considered to be contrary to Policy DE3 of the Local Plan.

### **4. Drainage**

As Torbay is a Critical Drainage Area any surface water discharge rate from the site to the surface water sewer or drain must be limited to greenfield run off rate for the 1 in 10 year storm 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. It should be noted that where the greenfield run-off rate for the site is below 1.5l/sec, a discharge rate of 1.5l/sec will be accepted. The Council's Drainage Engineer has confirmed that the proposed method of draining surface water run-off is acceptable. The proposal is therefore deemed to comply with Policy ER1 of the Local Plan 2012-2030.

### **5. Ecology and trees**

In terms of ecology, the submitted Protected Species Assessment states that no bats or breeding birds were found on the site or within the buildings. However any building works should follow the standard recommendations with regards to

checking for bats prior to construction and the halting of works in proximity to any bats found should be undertaken.

No works involving the removal of hedges should occur during the bird nesting season.

With regards to trees, the Council's Arboricultural Officer has confirmed that the proposed tree protection measures are acceptable, as is the proposed shrub planting. If the application were to be approved, additional soft landscape details and the proposed protection measures would be secured by condition.

### **Other considerations**

The proposed parking and manoeuvring areas largely follow the existing situation, and are considered to be acceptable and comply with Policy TA3.

The proposal would include cycle storage and bin store areas.

### **Neighbourhood Plan**

The Paignton Neighbourhood Plan has recently completed its Independent Examination. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. The proposal broadly complies with the policies within the Paignton Neighbourhood Plan.

### **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.

## **Local Finance Considerations**

### **S106/CIL -**

#### **S106:**

Not applicable.

#### **CIL:**

The land is situated in Charging Zone 2 in the Council's CIL Charging Schedule; this means that all new floorspace will be charged at a rate of £70/sqm. If the application is deemed to be acceptable, an informative can be imposed, should consent be granted, to explain the applicant's/developer's/landowner's obligations under the CIL Regulations.

#### **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 extension to the east of the original property, by reason of its size, siting and design, is considered to be an uncharacteristic and overly dominant addition and is deemed to be detrimental to the character of the original property and the wider conservation area. It is also considered that the proposal would result in substandard living accommodation for some of the proposal's future occupiers. As such, the proposal is considered to be contrary to Policies DE1, DE3, SS10, and TO2 of the Local Plan, and the guidance contained in the NPPF.

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

01. The proposed extension to the east of the original property, by reason of its size, siting and design, is considered to be an uncharacteristic and overly-dominant addition that would be detrimental to the character of the original property and the wider conservation area. The proposal therefore fails to preserve or enhance the character and appearance of the conservation area, contrary to policies DE1, SS10, and TO2 of the Torbay Local Plan 2012-2030. The proposal would result in less than substantial harm to a heritage asset and insufficient public benefits have been demonstrated to outweigh this harm, contrary to the guidance contained in the NPPF.
02. The combination of the single-storey increase to the existing link building and the additional two-storey extension relating to the rear of units 8 & 9, would result in dominant additions, overlooking and loss of light to the potential future occupiers of unit 2. As such, it is considered that the proposal would not provide an adequate standard of living accommodation to some of the proposal's future occupiers, contrary to Policy DE3 of the Torbay Local Plan.

### **Informative(s)**

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has/has not worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, in the event the applicant was unable to satisfy the key policy tests of Policies DE1, DE3, SS10, and TO2 in the submission and as such the application has been refused.

### **Relevant Policies**

DE1 - Design

DE3 - Development Amenity

SS11 - Sustainable Communities Strategy

SS10 - Conservation and Historic Environment

ER1 - Flood Risk

ER2 - Water Management

NC1 - Protected sites - internationally import

TO2 - Change of use of tourism accommodation

TA3 - Parking requirements