

Application Number

P/2012/0272

Site Address15 Newton Road
Torquay
Devon
TQ2 5DB**Case Officer**

Mrs Ruth Robinson

Ward

Tormohun

Description

Formation of 4 flats in site curtilage (In Outline)

Executive Summary/Key Outcomes

This elevated garden site abuts the north eastern side of Newton Road as it approaches Torquay town centre. There is a history of approvals for residential development, most recently for 2 family homes, which was approved in 1990. An appeal against a refusal to renew this permission was dismissed on the grounds of poor visibility for emerging vehicles only. This application, which is in outline, with all matters reserved provides for 4 50m² flats with no on site car parking. Highways are supportive of this due to the sustainability of the location. However it is thought that the development of the garden site for 4 flats of this size results in an elongated form of building that is out of character with the street scene and adversely affects the setting of the adjacent Torre Conservation Area.

Recommendation

Refuse: The development of this site for 4 flats produces a building that presents a long edge to the street which cuts across the established grain of the area and thus adversely affects the street scene and the setting of the adjacent Torre Conservation Area. As such the scheme is contrary to policies H9, H10, BES, BE1 and BE5 of the saved Torbay Local Plan 1995-2011. It is also contrary to policy 53 of the NPPF which seeks to resist garden development where this would cause harm to a local area

Site Details

The site comprises a detached domestic dwelling with a long, narrow elevated garden area which is bounded by a high stone retaining wall which extends along Newton Road close to the junction with Barton Hill Road.

To the north east of the application site the land rises again and the site is backed by a further high stone retaining wall which forms the garden boundary to domestic dwellings on Barton Hill Road. Generally, the character of development in the immediate area is quite mixed. On the opposite side of Newton Road are found sizeable Victorian Villas which are largely in hotel use. These are located

in the Torre Conservation Area. The northern side of Newton Road has been developed with post war properties of a more domestic size and scale and in a range of differing styles and characters.

Planning permission has been granted twice in the past for residential development on this site but it is now lapsed.

Detailed Proposals

This application is an outline application with all matters reserved and is for the construction of 4 50m² flats on the site with pedestrian access only being provided via an excavated lobby from Newton Road.

Summary Of Consultation Responses

Highways: Given the proximity to the town centre and bus routes no objection is made to the lack of car parking. Whilst there is no restriction on parking along this stretch of Newton road it is a bus route and there is an aspiration to introduce a cycle route and there is some concern that deliveries and refuse collection may impact on this.

Drainage: The application indicates that surface water is to be disposed of by soakaways but no details are provided about the capacity of the ground to cater for this. For this reason the Drainage engineer has asked that filtration tests be carried out before permission is granted.

Summary Of Representations

There have been 2 letters of objection concerned with parking, traffic congestion, pedestrian safety, impact on the highway retaining wall and quality of living accommodation to be provided. A further letter is concerned about the integrity of the stone retaining wall which supports the contributor's garden. These are reproduced at Page T.201.

Relevant Planning History

P/1988/0452: Erection of 1 dwelling: Refused 21.04.88. Subsequent appeal dismissed.
P/1988/2785: Erection of detached house; Approved 17.02.89
P/1990/0500: Erection of 2 dwellings; Approved 15.05.1990
P/1995/1063: Renewal of above. Refused, subsequent appeal dismissed 17th March 2003.

Recent pre app discussions in relation to 3 storey building with 8 flats not encouraged due to amenity and traffic concerns.

Key Issues/Material Considerations

The main concerns relate to the principle of garden development, scale of development on site, impact on neighbours, quality of accommodation provided, lack of parking, pedestrian and highway safety, appearance and impact on retaining walls. Each of these will be addressed in turn.

Principle and Planning Policy -

The relevant planning policies relate to the quality of the residential environment, its relationship to neighbours, its appearance and the impact on the highway network.

Principle of Garden Development

Planning guidance in relation to garden development has been subject to change in recent years from encouragement to maximise the use of suitable garden land to provide housing opportunities to moves to resist 'garden grabbing'. The most recent guidance in the NPPF suggests that LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, where development would cause harm to the local area. The use of garden land for housing development is normally resisted unless it can be shown that its use produces a form of development that is in character with surrounding development, there are no adverse impacts on amenity nor does it result in overdevelopment of the site. The garden in question is of a size that could accommodate a suitable level of new development without compromising the amenity of the parent property, it is not 'backland' which does tend to lead to problems of amenity and it forms a backdrop to the main approach to Torquay where sporadic building in garden plots is not wholly out of character. Past history indicates it has been previously considered suitable for residential development.

The refusals of planning permission were based solely on the car parking arrangements which were considered to be unsafe in terms of highway safety rather than on the principle of garden development and this concern was supported on appeal.

Scale of Development on Site/Impact on Neighbours/Quality of Accommodation

Whilst all matters are reserved, illustrative plans indicate 4 one bed flats in a 2 storey building measuring 27m by 6m. It has a bigger footprint but is lower in height than the previous approval for 2, 3 storey 3 bed dwellings which were approved in 1990. It represents a similar density of occupation. Whilst the scheme maintains sufficient amenity space for the parent property and the proposed scheme is not unduly cramped or likely to suffer from a poor quality residential environment arising from a lack of space, it does result in a very elongated building form which is not wholly compatible with the character of the area. This point will be expanded later in the report. In terms of amenity, it is sufficiently well removed from its neighbours to undue impact in terms of privacy or overlooking.

Highway Safety/Lack of parking

Previous refusals of planning permission on the site were based on concerns about highway safety arising from arrangements to provide on site car parking. This involved excavating through the existing stone retaining wall to ground level to provide garaging/open car parking. The most recent appeal decision, in relation to the refusal to renew the approval for 2 dwellings found against this on the grounds of poor visibility only. The applicant therefore contends that if no on site parking is provided, then the Inspectors concerns are overcome. Planning policy in relation to car parking has modified in the intervening years and there is flexibility on sites which are sustainably located with convenient access for public transport and local services such as this one. Bike storage is provided within the pedestrian lobby. It is located close to a bus stop and to a railway station. On street car parking, albeit heavily used is available along the frontage of this property. Highways have indicated support for this approach. Although they highlight concerns about delivery lorries and refuse vehicles possibly interrupting the free flow of traffic at busy times of day it is not thought that this will be of sufficient harm to warrant a refusal of planning permission.

Appearance

This is a reserved matter. Illustrative plans show an elongated building with a flat roof and of a quasi Art Deco design. It is shown to be of a render finish, which is locally distinctive and with powder coated aluminium detailing in terms of windows and rainwater goods. The character of the area is quite mixed in terms of building styles particularly along the northern side of the Newton Road. However, the site is located in an elevated position adjacent to the northern boundary of the Torre Conservation Area and so it is important to consider whether the broad form of the proposed building is capable of being accommodated in a way that fits with the overall grain of the area and does not therefore adversely affect the setting of the conservation area. The shape of the site severely constrains the form that any building can take. The development of the site for 4 flats inevitably presents a long edge to the street and cuts across the established grain, where properties are either of a traditional villa style as in Conservation Area opposite to this site, or occupy much narrower plot widths as they do elsewhere along Newton Road. It is therefore considered that the proposal to develop the site for 4 flats would result in a form of development that would adversely affect the character of the street scene and the setting of the adjacent conservation area. A more discrete form of residential development that reflected more of the local character may prove to be more acceptable.

Impact on Stone Retaining Walls

The implementation of this scheme will require works to the stone retaining walls adjacent to the public highway and to the garden retaining walls to ensure their long term stability. This is not a planning but a civil matter. The applicant has been advised of the need to reach a party wall agreement with affected residents. This issue was raised in the appeal and carried no weight.

