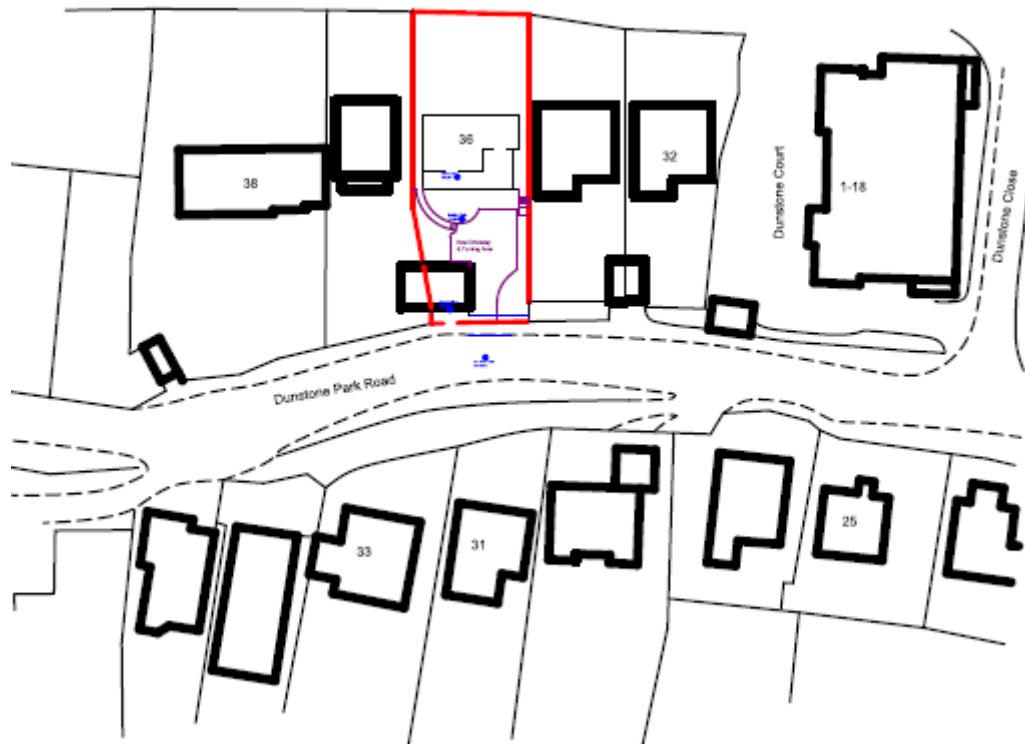


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| Application Site Address | 36 Dunstone Park Road Paignton TQ3 3NG |
| Proposal | Extension on the southern elevation. Raised ridge height and new roof design to accommodate loft rooms with balcony to southern elevation. Insertion of a driveway. |
| Application Number | P/2019/0689 |
| Applicant | Mr & Mrs Daniel |
| Agent | Mr Brian Horrocks |
| Date Application Valid | 17/07/2019 |
| Decision Due date | 11/09/2019 |
| Extension of Time Date | 13/12/2019 |
| Recommendation | That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport. |
| Reason for Referral to Planning Committee | The application has been referred to Planning Committee due to the number of objections that have been received. |
| Planning Case Officer | Emily Elliott |

Location Plan:



Site Details

The site comprises of a detached bungalow, located on the northern side of Dunstone Park Road. The topography of Dunstone Park Road varies significantly, with dwellings on the northern side of Dunstone Park Road being set up from the existing street scene and on substantial higher ground compared to those dwellings on the southern side being set down from the existing street scene. The site currently has vehicular access in terms of an area of hardstanding and a garage and pedestrian access. The site forms part of the built up area, but is not otherwise subject to any designations within the Torbay Local Plan.

Description of Development

The proposal seeks to erect an extension to the southern elevation of the existing single storey dwelling which would infill the existing recess in the current floorplan on the south eastern corner and also extend the front of the building 2 metres beyond the original, existing main front wall. The proposal includes a new roof over the extended footprint, replacing the existing L-shaped roof form, raising the ridge height of the dwelling from 6.4 metres to 7.6 metres to provide a new first floor which will include a balcony on the southern elevation. The overall width of the dwelling when viewed from the street to the south would not increase. The proposal also includes the laying out of a new driveway and manoeuvring area within the front garden area.

The external materials proposed would comprise the following: Grey concrete interlocking roof tiles; uPVC windows and doors; stainless steel and glass balcony balustrading; horizontal uPVC cladding for external walls and a facing brick plinth to the front elevation (south), with sand and cement render to side and rear elevations (north, east and west).

Pre-Application Enquiry

None.

Relevant Planning 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")
- The Adopted Paignton Neighbourhood Plan 2012-2030

Material Considerations

- 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:

Relevant Planning History

P/2007/0350: Extend Living Accommodation At Rear; Extend Single Garage Into Double Garage At Front. Approved 03/01/2008.

Summary of Representations

8 letters of objection have been received (it should be noted that one contributor made 3 objections, whilst another contributor made 2 objections) and 1 letter of support have been received.

A summary of the concerns raised in objection include:

- Not in keeping with local area
- Privacy/overlooking
- Residential amenity
- Sets a precedent
- Traffic and access
- Trees and wildlife
- Overdevelopment
- Overbearing
- Impact on local area
- Drainage
- Loss of light
- Noise
- Loss of view

Planning Officer Response: The right to a private view is not regarded as being a material planning consideration.

- Valuation of properties

Planning Officer Response: The valuation of dwellings is not regarded as being a material planning consideration.

- Amended plans

Planning Officer Response: It is at the Case Officer's discretion as to whether they wish to re-consult or re-advertise the proposal. As the amendments were a reduction when considered to the originally submitted plans, it was considered unnecessary to re-consult as it would have less of an impact on adjacent neighbours.

- Inaccurate plans

Planning Officer Response: The agent signed the declaration on the application form which states they have applied for planning permission as described in the form and the accompanying plans/drawings and additional information are to the best of their knowledge and any facts stated are true and accurate.

Comments raised in support include:

- Alleviates parking congestion
- Impact on local area
- Refurbishment and modernisation

Summary of Consultation Responses

Paignton Neighbourhood Forum:

No response received.

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Ecology and Biodiversity
6. Flood Risk and Drainage

Planning Officer Assessment

1. Principle of Development

The proposal is for the substantial alteration and extension of an existing dwelling to provide an enlarged ground floor and new first floor, together with provision of a driveway and manoeuvring area in the front garden area.

There are no Development Plan policies indicating that the proposed development is not acceptable in principle.

2. Impact on Visual Amenity

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. 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 PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

The proposal seeks to substantially extend and effectively remodel the existing dwelling, providing a new first floor beneath a new roof, without increasing the overall

width of the dwelling. A driveway and manoeuvring area would be provided within the front garden. External materials proposed would comprise: Grey concrete interlocking roof tiles; uPVC windows and doors; stainless steel and glass balcony balustrading; horizontal uPVC cladding for external walls and a facing brick plinth to the front elevation (south), with sand and cement render to side and rear elevations (north, east and west).

Objectors have raised concerns that the proposal would: represent overdevelopment; not be in keeping with the local area; set a precedent, and; have a negative impact on the local area. The supporter has stated that the proposal would have a positive impact on the local area.

When considering the proposed development in the context of the existing street scene, it is sufficiently set back from the highway in line with neighbouring dwellings so as not to have an immediately overbearing or overly dominant visual effect in the streetscene. In terms of the building footprint within the plot, the proposal will result in a substantial increase over the existing. However, the increased footprint proposed is considered to be consistent with the local urban grain and ratio of building footprints to plot areas, without detriment to the character and appearance of the locality. The other existing dwellings within the existing streetscene have a sufficiently diverse and wide range of sizes, scales and design characteristics, that the proposal cannot be assessed to set a precedent.

The general scale is considered commensurate with the surrounding built form taking into account the mixture of dwellings in the area, some of which have already been extended. It is considered that there is scope for substantial extension to the existing dwelling and that the proposal positively addresses the topography of the site and provides a dwelling of a reasonable size, scale and massing.

The proposed design must be read within the visual context of the surrounding street scene where there is already a diverse mixture of house types and designs. The proposal is considered to be acceptable in terms of design and impact on the existing street scene as there is no distinct, prevalent house type or character which the proposal ought to be following. The proposal modernise and refurbish an existing dwelling to provide a new, but contemporary, visual appearance. A planning condition would require the developer to control the quality and impact of external materials upon the proposal before any work may commence on site.

Given the proposal's siting, form, scale, and visual appearance, it is considered to be acceptable and without unacceptable detriment to the character and appearance of the locality or street scene in accordance with Policy DE1 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained within the NPPF.

3. Impact on Residential Living Conditions

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity. Objectors have raised concerns in terms of loss of light, privacy/overlooking, noise and residential living conditions.

Privacy

The proposal would not include any openings on the side elevations (east and west) and so the proposal would not overlook or invade the privacy of Nos.34 and 36A Dunstone Park Road.

The site faces No.31 Dunstone Park Road, which is set at a substantially lower level due to the prevailing topography. The intervening un-adopted road provides a substantial distance between the two dwellings and therefore it is considered that the proposed development would not invade the privacy of the occupants of No.31. To the rear (north) of the site is No.11 Dixon Close and whilst the proposal would provide a new first floor to the existing dwelling, the existing boundary treatments and vegetation between the proposal and the adjacent dwelling provides effective screening within a substantial separating distance (of over 20 metres) between the rear elevations of the dwelling and adjacent neighbouring dwelling.

Noise

In terms of the concerns regarding noise, the existing use is residential accommodation and the proposal maintains this use. Therefore, it is considered that the proposed development would have no further detrimental impact on neighbouring occupiers with regards to noise. The proposed development will alter the existing internal layout of the dwelling, ensuring each of the habitable rooms are served by sufficient window openings to allow for sufficient outlook and light to offer a good standard of living conditions for the occupiers of the dwelling. A construction method statement will be recommended as a condition to ensure that the construction works are undertaken in a manner that is not injurious to local amenity, this will mitigate any concerns raised regarding noise.

Daylight

With regards to the concerns about the loss of light the proposed development would cause, it should be noted that No.34 Dunstone Park Road has two openings on its western side elevation that faces the eastern side elevation of the site. On the side elevation, the window (a) nearest the front of the house serves as a secondary window to a living room area and (b) closest to the rear of the house serves as a secondary window to the kitchen/dining area. The habitable rooms of No.34 Dunstone Park Road are served by larger, main windows on the northern and southern elevation. It is,

therefore, considered that the proposed development would not have a detrimental impact on the occupiers of No.34 Dunstone Park Road in terms of access to natural daylight.

With regards to No.36A Dunstone Park Road, in terms of their eastern side elevation facing the western side elevation of the dwelling, there is a door to the ground floor which provides access into the dwelling and two windows to the first floor. The objector has indicated that they serve bedrooms. It is likely that the window at first floor on the side elevation that is closest to the rear of the dwelling, is a secondary bedroom window. The proposed development will not extend northwards beyond the current rear wall of the dwelling and it is, therefore, considered that the proposal will not have a detrimental impact upon living conditions of the occupiers of No.36A Dunstone Park Road. As for the other window at first floor, the objector has indicated it is a bedroom, however the applicant considers that it serves a hallway, the window anyhow is considered to be unneighbourly to the site. The proposed development is not considered to be detrimental to this opening in terms of outlook or loss of light. Accordingly, it is considered that the proposal would not be likely to have a detrimental impact on the occupiers of No.36A Dunstone Park Road in terms of access to natural daylight.

Subject to the use of aforementioned planning conditions, given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours. The proposal is considered to be in accordance with Policy DE3 of the Local Plan.

4. Impact on Highway Safety

Policy TA1 sets out promoting improvements to road safety. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development.

Objectors have raised concerns regarding traffic and access in relation to the proposed addition of a new driveway and manoeuvring area. The 'Highways Development Control Standing Advice for Minor Development Applications' would apply to this scheme. The proposal provides adequate off-street parking provision for two vehicles.

The parking space sizes proposed meet the dimension requirements set out in Policy TA3 and Appendix F of the Local Plan with off-street parking spaces not abutting the public highway requiring 2.4 metres by 4.8 metres. It should also be noted that the site also benefits from an existing garage and area of hardstanding. Although the

dwelling would be substantially enlarged with increased accommodation it remains a single dwelling in terms of potential traffic generation. The proposal would, therefore, comply with Policy TA3 and Appendix F of the Local Plan.

Subject to a suitably worded planning condition requiring the parking provision to be made before the dwelling is re-occupied in its enlarged form, it is considered that the proposed development complies with Policies TA1, TA2 and TA3 of the Local Plan.

5. Ecology and Biodiversity

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale.

Objectors have raised concerns regarding wildlife. The application is supported by a Preliminary Ecological Assessment. The report found no evidence of bats, however with regards to nesting birds House Sparrows were found to be nesting in the front gable of the dwelling. The report also found that slow worms are present on site and evidence of small ground-level 'tunnels' associated with hedgehogs. The report states that no further surveys or assessment is required. Subject to a planning condition securing compliance with the recommendations of the Preliminary Ecological Assessment, the proposal is considered acceptable with regard to Policy NC1 of the Local Plan.

6. Flood Risk and Drainage

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. Policy PNP1(i) Surface Water of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and the application is accompanied by a Flood Risk Assessment. Given the scale of the proposal exceeds 20 square metres, the intended means of surface water drainage are considered acceptable having regard to the adopted Standing Advice.

Subject to a condition to secure acceptable surface water drainage arrangements, the proposal will be in accordance with Policy ER1 of the Local Plan and Policy PNP1(c) of the Paignton Neighbourhood Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The proposed development is sustainable inasmuch as it would utilise and redevelop an existing dwelling within the existing urban area.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8. 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 Act 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:

Not applicable.

CIL:

The CIL liability for this development is Nil.

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.

HRA:

Not applicable.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the Development Plan policy supports the principle of the development. The report gives consideration to the objections raised and concludes

that these issues are not of weight to warrant the refusal of the application and as such it is concluded that the planning balance is in favour of supporting this proposal.

Conclusions and Reasons for Decision

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area or neighbouring living conditions; would provide acceptable arrangements in relation to access, flood risk, and ecological constraints. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.

Conditions

External Materials

No development (above damp-proof course level) shall take place until details of the proposed cladding materials (walls and roof) and openings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030.

Parking and Manoeuvring Provision

The development hereby approved shall not be occupied or brought into use until the parking spaces and manoeuvring area detailed on the plan reference "Proposed Layout" (plan reference awaited) have been provided. These elements shall thereafter be retained for the use of the associated dwelling for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030.

Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

Preliminary Ecological Assessment

The development shall proceed, and shall be retained thereafter, in full accordance with the approved ecological report (plan reference 'P2019-0689-2' received 17th July 2019) hereby approved.

Reason: To ensure that the development proceeds in an appropriate manner, in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

Flood Risk Assessment

In accordance with the submitted flood risk assessment received 11th October 2019, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 40% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

Obscure Glazing

Prior to the occupation of the extension hereby approved, the first floor en-suite window in the northern elevation of the development hereby approved shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. This window shall be fixed shut unless opening parts are located higher than 1.7m above finished floor level or they are fitted with a 100mm opening restrictor. The window shall thereafter be permanently retained in that condition.

Reason: In the interests of privacy of the neighbouring properties, in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

Informative(s)

01. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.

02. Responsibilities of the applicant / developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

03. 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 worked positively with the

applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management

NC1 – Biodiversity and Geodiversity

TA1 – Transport and Accessibility

TA2 – Development Access

TA3 – Parking Requirements

PNP1(c) – Design Principles