

Application Site Address	1 Seaton Close, Torquay, TQ1 3UH
Proposal	Single storey extension to the north east (side) elevation and the extension of the existing balcony along the south east (front) elevation together with changes to fenestration.
Application Number	P/2020/0228
Applicant	Mr D'Aprano
Agent	PMR Architecture
Date Application Valid	06/03/20
Decision Due date	01/05/20
Extension of Time Date	n/a
Recommendation	Approval: Subject to no new material planning considerations being raised within the remaining consultation period and planning conditions as outlined within the report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing & Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee due to the number of objections that have been received and concern of the Ward Member with regard to impact on the character of the area.
Planning Case Officer	Sean Davies

Location Plan



Site Details

The site is at 1 Seaton Close, Torquay, TQ1 3UH and comprises a detached two storey house with integral garage and its curtilage. 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 proposals are for a single storey extension¹ to the north east (side) elevation and the extension of the existing balcony along the south east (front) elevation together with changes to fenestration.

Pre-Application Enquiry

DE/2019/0067: Single storey extension to front and side of property.

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 Torquay Neighbourhood Plan

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

None.

Summary of Representations

The following representations relate to the original two storey proposal. The amended single storey scheme has been re-advertised and any further comments will be reported verbally to the committee.

5 representations in support of the application and 15 representations objecting to the application have been received.

Representations made in support of the application include that the proposals would be in keeping with and enhance the local area and other properties. Also that many other houses in the surrounding area have bigger extensions.

Objections to the application are summarised below:

¹ The proposals were originally for a two storey extension but have been revised following discussions with the Council.

52-54 Lyme View Road: two objections received from occupants of the flats facing the rear elevation of the proposed extension. Concerns raised included:

- the proposals would not be in keeping with the local area and the property as extended would be larger than most around it;
- the addition of a chimney would be out of character (this has now been removed from the proposals);
- the proposals would lead to a loss of light;
- the proposals would obstruct views of traffic along Lyme View Road from Seaton Close.
- concerns about noise and disruption during construction;

56-66 Lyme View Road: six objections received from occupants of the flats opposite the side elevation of the proposed extension. Concerns raised included:

- the proposed windows in the side elevation would overlook the bedrooms of the flats at 56-66 Lyme View Road leading to a loss of privacy;
- the proposals would limit light to the flats at 56-66 Lyme View Road;
- the proposals would impact on and be out of keeping with the local area due to their size;
- the proposed chimney (this has now been removed from the proposals) would be out of character with neighbouring properties;
- concerns about parking arrangements and the loss of the existing garage and the potential for on street parking outside the property to raise safety issues at the junction of Seaton Close and Lyme View Road.
- the proposals would reduce visibility to Lyme View Road from Seaton Close;
- disruption during construction.

51 Lyme View Road: this property is opposite 1 Seaton Close. Concerns raised included:

- the proposals would not be in keeping with the local area;
- the proposals would lead to loss of light from a side view window towards All Saints Church;
- the proposed balcony would overlook the lounge, window, conservatory and garden.

55 Lyme View Road: this property is further down Lyme View Road from no. 51. Concerns raised included:

- the proposals would not be in keeping with the local area.

2-12 Seaton Close: five objections received. Concerns included:

- the proposals would impact on and be out of keeping with the local area due to their size;
- the proposals would represent overdevelopment;
- a full width balcony and chimney (the chimney has now been removed from the proposals) would be out of keeping with surrounding properties;
- the proposals would add almost 50% to the existing dwelling;
- the proposals would limit visibility at the junction of Seaton Close and Lyme View Road;
- the proposals would set a precedent for further development;
- the Deeds of Covenant attached to properties in the TQ1 3UH postcode prohibit the type of development proposed;
- loss of sea views;
- concerns about disturbance during construction;

Torquay Neighbourhood Forum:

No response received.

SRM Procedure

Date: 19/0520 email sent to Ward Members, Councillors Anne Brooks, Hazel Foster and Ray Hill.

Response Received: Objection to application received from Councillor Foster 19/05/20.

Outcome: The application will be decided at Committee.

Key Issues/Material Considerations

1. Principle of Residential Development
2. Visual impact
3. Amenity
4. Transport and accessibility
5. Parking and access requirements
6. Ecology
7. Flood risk and drainage

1. Principle of Residential Development

The proposal seeks permission for a single storey extension to the north east (right side when viewed from the front) elevation and the extension of the existing balcony along the south east (front) elevation together with changes to fenestration. There are no Local Plan policies indicating that the proposal is not acceptable in principle.

2. Visual impact

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 and should not impair highway safety. Policy TH8 of the Torquay Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

The property is a two storey dwelling approximately 7.5m wide with integral garage and porch that extend out approximately 1.4m beyond the main building line to support a balcony extending across slightly more than half of the front elevation. It occupies an elevated position on a corner site at a T junction with Seaton Close and Lyme View Road and is clearly visible from both. A brick wall leading off the side of the property encloses a back garden.

The proposals involve extending the front of the existing dwelling at ground floor level to match the main building line and adding a single storey extension across the existing gable end approximately 3.3m in width with dual pitch roof matching the pitch of the roof over the main dwelling. The existing balcony is proposed to be extended across the full width of the existing dwelling (not the extension). The integral garage would be repurposed as living and storage space with the existing garage door retained. There would also be changes to fenestration as summarised below:

Front elevation

- at first floor level an additional set of glazed doors providing access to the extended balcony from the main bedroom would be provided with an existing window reduced in size to provide symmetry to the design.

- at ground floor level the existing floor to ceiling window serving the living room would be replaced with a smaller window. The proposed single storey side extension would have a new window (living room) to the front elevation.

Rear elevation

- the proposed single storey side extension would have a window (dining room) in the rear elevation.

Side elevation (south west)

- no changes proposed.

Side elevation (north east)

- a new pair of narrow windows are proposed at first floor level to serve existing bedrooms.
- the proposed ground floor extension would also have a pair of windows in line with those above serving the living and dining rooms.

The walls, roof, and windows would be constructed of materials to match the existing structure. Existing hanging tiles to the first floor front of the property would be replaced by horizontal cladding boards.

This application has been amended since submission. The proposals were originally for a two storey side extension. This application has been revised to a single storey extension in response to concerns raised by officers and having regard to local representations.

Objections were made that the proposals as originally submitted, which were for a two storey extension with external brick chimney, would have detracted from the character of the local area by virtue of their size relative to neighbouring properties and the host dwelling; that they would have resulted in overdevelopment at the site, and that features such as the proposed full width balcony (proposed originally to extend across the full width of the dwelling and proposed extension) and chimney would have been out of keeping with surrounding properties.

It is considered that the proposals as revised and scaled back, which now only involve a single storey extension are sufficient to address these concerns. Given the size of the curtilage to the property it is considered that these proposals would not represent overdevelopment.

Concerns have also been raised that the grant of planning permission in this case would set a precedent for further development in the area. However it should be noted that all planning applications are considered on their merits and in relation to the specific local conditions of the site concerned.

Taking the above into account the proposal is therefore considered to be in accordance with Policies DE1, DE5 and TH8.

3. Amenity

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

Objections have been raised variously about loss of views, restrictions in Deeds of Covenants relating to properties in the TQ1 3UH postcode and disturbance during construction. However

these are not material planning considerations and cannot be taken into account in deciding whether or not planning permission should be granted.

Front elevation

An objection was received from the occupants of 51 Lyme View Road opposite the property that the proposals would lead to a loss of light and overlooking of their lounge window, conservatory and garden. Balanced against this, the distance between the properties, is approximately 21m, satisfying the spacing requirement generally agreed as being acceptable. Given the presence of the existing balcony (which is proposed to be extended by approximately 2.8m) and the distance between the properties it is considered that no material loss of light or privacy warranting a refusal of planning permission would be involved in this case.

Rear elevation

Two objections were received from the occupants of the flats at 52-54 Lyme View Road concerning the potential for loss of light. However, the distance between the properties would be in the region of 28m. This exceeds the distance generally accepted as providing an acceptable degree of separation (21m) between properties and as such it is considered that no material loss of privacy or light warranting a refusal of planning permission would be involved in this case.

Side elevation (north east)

Objections have been received about the potential for overlooking and loss of light to the flats at 56-66 Lyme View Road. The difference in levels between 1 Seaton Close and these properties is significant. However, the distance between the properties is also significant and would range from approximately 25-30m with the proposed extension in place. Again, this exceeds the distance generally accepted as providing an acceptable degree of separation (21m). As the proposed side extension is single storey this separation distance would be increased to approximately 28-33m in respect of the proposed new first floor windows. As such it is considered that no material loss of privacy or light warranting a refusal of planning permission would be involved in this case.

It is considered that the proposals would not detract materially from the amenity of any other neighbouring properties along Seaton Road.

Given its siting, scale, and design, it is therefore considered that the proposal would not result in any unacceptable harm to the amenities of neighbours. The proposals are therefore considered to be in accordance with Policy DE3.

4. Transport and accessibility

Policy TA1 of the Local Plan states that the Council is seeking to develop a high quality transportation system to be achieved in part through improving road safety and minimising conflict between road users.

Objections have been made that the proposals would restrict visibility for traffic exiting Seaton Close onto Lyme View Road.

However it is considered that the position of the proposed extension would not impede the existing visibility splay at the junction with Lyme View Road. The proposals are therefore considered to be in accordance with Policy TA1.

5. Parking and access requirements

Policy TA3 of the Local Plan states that dwelling houses should be served by two parking spaces. Policy TH9 of the Neighbourhood Plan states that all housing developments must

meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking resulting from the development.

Concerns have been raised about parking arrangements associated with the proposals, the loss of the existing garaged parking space and the potential for on-street parking to lead to safety issues at the junction of Seaton Close and Lyme View Road. However, even with the loss of the garage, there is space for two cars to be parked one in front of the other on the drive without overhanging the footpath. The proposal is therefore considered acceptable with regards to Policies TA3 and TH9.

6. Ecology

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats.

The application has been accompanied by an ecological survey report. The report findings stated that there was no evidence of bats on site and no further surveys are required. Should planning permission be granted, the recommendations of the ecological report should be employed through a planning condition. The proposal therefore complies with Policies NC1 and TE5.

7. Flood risk and drainage

Policy ER1 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 and is accompanied by a Flood Risk Assessment. Given the nature of the proposal, the intended means of surface water drainage are considered acceptable having regard to the adopted Standing Advice. The proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

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

This report gives consideration to the issues raised in the objections received and concludes that these are not of sufficient 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.

Proactive Working

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.

Conclusions and Reasons for Decision

The proposal is: acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; and would provide acceptable arrangements in relation to access and parking, flood risk, and ecology. The proposed development is therefore considered acceptable, having regard to the Development Plan, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below and subject also to no new material planning considerations being raised within the remaining consultation period. 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, Housing and Climate Emergency.

Conditions

1. Notwithstanding any details shown on the approved plans the extension hereby approved and any other alterations to the dwelling hereby approved shall be clad in materials matching those of the host dwelling, and shall be retained as such for the life of the development.

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

2. In accordance with the submitted flood risk assessment received, 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 saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

3. The development shall be carried in strict accordance with the recommendations set out in the bat and nesting bird survey dated 27/02/20 (Plan reference P2020-0228-03, received 28/02/20).

Reason: To prevent harm to protected species in accordance with policy NC1 of the New Torbay Local Plan 2012-2030.

Development Plan Relevant Policies

TA1 - Transport and accessibility

TA3 - Parking requirements
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
NC1 – Biodiversity and geodiversity
TH9 – Parking facilities
TH8 – Established architecture
TE5 – Protected species habitats and biodiversity