

**Application Number**

P/2012/0896

**Site Address**2 Whidborne Close  
Torquay  
Devon  
TQ1 2PF**Case Officer**

Mr Scott Jones

**Ward**

Wellswood

**Description**

Extension and change of use to form 2 No houses

**Executive Summary/Key Outcomes**

The proposal seeks permission to alter and extend the existing single-storey dwelling that sits in the plot in order to offer two two-storey dwellings (one with a partial under-build for garage/storage), which are flat-roofed and modern in appearance. The scheme divides the plot in order to provide separate curtilages and proposes the creation of an additional vehicular access across the footway and grass verge onto Whidborne Avenue.

The fundamental principle of sub-division to form two dwellings is considered acceptable as the plot is considered to have the area and natural frontage to comfortably sit an arrangement of two dwellings sat side-by-side.

The scale and design of the proposed dwellings sits comfortably with the predominant genre of redevelopment proposals in the area, for that of clean-lined 'marine' inspired properties sat under flat roofs.

Local amenity levels appear protected through stepped building lines and condition-led restrictions that would remove or limit overlooking and loss of privacy.

Highway safety for all road users is protected by offering two safe access points with on site parking at a level commensurate with the scale of dwellings.

**Recommendation**

Site Visit; Conditional Approval; Subject to (i) Suitable comments from the Authority's drainage section, (ii) A section 106 legal agreement being signed or the receipt of an upfront payment within 3 months of the date of this committee meeting in order to achieve social and physical infrastructure works, and (iii) Conditions to be delegated to the executive head of Spatial Planning.

**Site Details**

The site is a residential corner plot that sits on the southern side of the junction between the two residential roads of Whidborne Close and Whidborne Avenue.

It currently holds one dwelling that dates from the mid 20th century that offers single-storey accommodation within what is principally a linear layout. The building is typical of its time with unremarkable architecture that is also somewhat disjointed between the two distinct wings of the property.

In regard to plot layout the dwelling sits on a curved footprint that hugs the rear eastern border of the plot. The curve of the building is orientated towards a southwestern aspect over the key garden space and offers views across Whidborne Avenue towards the wider coastal vista. Inline with the natural local topography for the estate that wraps around a hilltop the plot level drops from North to South.

Borders are defined by established hedging and the vehicle access and property entrance is found within the northeastern corner of the plot off Whidborne Close.

There are no built or landscape designations over the plot.

### **Detailed Proposals**

The scheme is a comprehensive conversion and rebuild proposal to turn the current dwelling in to two detached dwellings. This is principally achieved by;

1. Removal of the existing link between the northern and southern wings of the current dwelling in order to provide distinct separation between the two properties proposed.
2. Remodelling and upward extension of the single-storey flat-roofed curved section of the current dwelling in order to offer a two-storey flat-roofed dwelling. The form of the dwelling is for elevations of render and horizontal boarding, with large areas of glazing (aluminium) and glazed terracing and balconies at first floor level. Parking is provided by the existing facility off Whidborne Close.
3. Removal of the southern wing of the existing dwelling and rebuild, over a slightly amended footprint, to provide the second detached dwelling. The dwelling features a similar elevation treatment to that of dwelling one, with render and clad walls inset with large areas of glazing supplemented by terrace and balcony features. The dwelling is two-storey with staggered building lines, with a partial lower level that offers parking and an entryway.
4. New vehicular and pedestrian access off Whidborne Avenue to serve the second dwelling, accessed over a highway verge and footway.

## **Summary Of Consultation Responses**

*Highways Department:* The first property makes use of an existing access and therefore highways would have no objections to this.

The second dwelling with the new access has a visibility at the carriageway which is in excess of 33m in each direction at 2m back from the carriageway, the requirement for a 25mph road according to the Manual for Streets, and a parking allocation with turning facility that is acceptable.

Highways do recommend that the new access to the site is splayed slightly to ensure that vehicles exiting have good visibility of pedestrians using the footway, if this is implemented highways would raise no objection.

*Drainage Department:* Pending Comment.

*South West Water:* No Objection.

## **Summary Of Representations**

A number of representations have been submitted. A summary of the points raised are as follows;

- Concern on highway safety due to the new access arrangements onto Whidborne Avenue
- Overdevelopment of the plot
- Development is out of character with the local area
- The development is too high
- Loss of outlook
- Loss of privacy across borders to the south and east
- Noise impact across borders
- The lower side of Whidborne Close is bungalow development with ridge heights largely unaltered from the original. Two-storey development would set an unsatisfactory precedent
- Drainage concerns
- The plans are misleading
- The development will update an outdated property and further lift the area
- Value of property (not a planning matter)
- Loss of private views (not a planning matter)
- Covenant restriction (not a planning matter)

These are reproduced at Page T.200.

## **Relevant Planning History**

Pre-Application advice included comment that there would appear scope to offer two dwellings on the plot.

## **Key Issues/Material Considerations**

### **General Principle and Planning Policy -**

The plot has an established residential use and sits within a wider residential estate that largely holds single dwellings set in defined uniform plots, some of which have already been sub-divided and redeveloped. The scheme maintains residential use of the site, which is broad development commensurate with the established use and local character, and maintains dwellings as the form of residential use, which is also commensurate with the overriding form of occupancy. Considering this context the general principles the proposal is considered to sit comfortably with planning policy, as it appears supportive of the overriding residential character and potentially aligned with broader ambitions for the efficient use of previously developed land.

In regard to the notion of 'garden grabbing' the development offers two dwellings that are sat side-by-side, both provided with private curtilages and with independent direct access points to the adjacent highway system. Considering the plot layout, the attributes of each dwelling and the extent of previous development, it is not considered to be development that is most commonly portrayed as 'garden grabbing'.

### **Visual Impact -**

The proposal offers a break to the existing extent of development by physically removing the central link as part of the scheme to extend and convert. This offers some visual relief to the linear form of development and strengthens the ability to provide two distinct dwellings.

The general scale of development is considered commensurate with the locality when considering the mix of one and two storey residences in the area. Although the southern side of Whidborne Close appears to be defined by low lying bungalow development the plot actually addresses Whidborne Avenue, due to the larger frontage and the natural orientation of the development. This gives a relationship and context towards a more mixed building form that is considered to support the notion towards upper floor development. It also offers a scale of building more akin to the adjacent corner unit to Whidborne Close, which itself is two-storey.

The flat roof design and modernist form to the elevations, which features clean render, areas of cladding and large expanses of glazing, is aligned with the regeneration genre that is becoming favoured in the area and noticeable in pockets throughout Whidborne Avenue, Thatcher Avenue and Ilsham Marine Drive.

All matters considered the proposal is considered to provide residential development that is appropriately scaled and formed, would sit comfortably within

its surrounds, and thus preserve the character and appearance of the streetscene.

### **Residential Layout -**

as detailed the scheme provides two large detached dwellings with separate parking and outdoor amenity space, offered through balconies, terraces and softscaped gardens. The internal space is considered spacious and features rooms of an acceptable scale with adequate natural lighting and outlooks in order to offer a good residential environment. The parking and outdoor amenity space is adequate and will offer facilities commensurate with the dwelling type. All matters considered the proposal is considered to offer an acceptable residential environment for future occupants.

### **Neighbour Amenity -**

The implications upon local amenity, in regard to potential overlooking/loss of privacy, loss of light/outlook/overbearing impact, have been considered.

#### Overlooking/Loss of Privacy:

The border relationships that are considered sensitive, due to orientation and proximity, are to the east and south.

Firstly in regard to the proposed relationship to the east (towards 4 Whidborne Close) there is the potential for impact due to the creation of upper floor living space and windows within these elevations. It is noted that the proposal details that a number of these windows are to be obscure glazed in order to protect neighbour amenity and this is welcomed. It does not detail whether these windows are to be openable or not, which if the case could give rise to close proximity overlooking of garden space and/habitable rooms, certainly in good weather. It is noted that, other than the window furthest-north within 'House 1' that is splayed away from the adjacent property and thus less sensitive, the rooms at first floor level are either double aspect or small non-habitable bathrooms. This potentially offers scope for these windows to be obscure and fixed closed through a planning condition without failing building regulations. Such a restriction would negate any overlooking and thus protect amenity levels to the rear.

To the south 'House 2' presents upper floor development with one obscured side-facing window and an upper floor balcony terrace with 1.8 metre high obscure screening on the southern side. These areas will sit approximately 2.4 metres closer to the joint southern boundary (with 53 Whidborne Avenue) than the current building line and at an elevated level. However it is appreciated that across the border sits a tiled bungalow roofscape and unknown elevation detail obscured by high hedging. The terraces main outlook will be to the west across Whidborne Avenue, which will be reinforced by the obscure screen, however oblique more southerly sightlines will be possible across the roofscape and to

parts of the garden. Notwithstanding this, with appreciation that it is commonplace for a degree of inter-looking between gardens, as the sightlines are oblique and the plot would largely be obscured by the roofscape of the property, the proposed levels of amenity are considered acceptable. Planning Condition could ensure the retention at all times of the obscure glass and screen.

Loss of light/Outlook/Overbearing Feeling:

The additional scale and massing of the curved property (House 1) is not considered likely to affect the levels of light afforded the immediate occupiers to the rear. This is largely due to the extent of the existing ground floor garage development, which is to be retained, which through proximity would largely obscure the proposed upper floor and additional bulk of the building from view. Wider relationships are distant and may affect 'views' but not outlook in terms ensuring attractive living environments for their occupants with adequate natural lighting etc.

In regard to 'House 2' the stepped rear elevation seeks to offer similar proportions regarding bulk and mass for the proposed dwelling to that of the current pitched wing. The design solution is considered proportionate to that which exists and hence scale and massing is unlikely to overtly affect the levels of light or outlook currently afforded the adjacent occupants of Number 4. To the south 'House 2' sits aside a tiled roofscape and unknown elevation treatment (due to high hedging on the common border). The bulk and massing would not affect the outlook or any light levels due to the blank roofscape and acceptable height of the neighbours maintained hedging.

**Highway, Parking and Access -**

'House 1' will utilise the existing garage, drive and highway access and hence the arrangement will not change the 'status quo'. The Authority's Highway Department raise not concern in regard to utilising this established arrangement and the level of parking is considered inline with policy guidance.

'House 2' proposes driveway and garage parking via a new access off Whidborne Avenue. The level of parking and manoeuvring arrangement is considered acceptable for the dwelling and the Authority's Highway Department do not appose the ambition of the new access as the sightlines onto the highway are beyond that outlined in guidance. Secondary advice does advise that the gate treatment should be splayed in order to offer improved visibility of vehicles as they exit the site and pass over the public footpath. This detail could be achieved via planning condition.

**S106/CIL -**

The application has been assessed against the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document and

subsequent updates ('the SPD'). This requires all appropriate developments to mitigate any adverse impacts they may have, individually and collectively, on the community infrastructure of Torbay, in order to make the development acceptable in planning terms.

In this instance, the SPD indicates that a financial contribution will be required. A calculation is based on the type and size of development proposed and including relevant mitigation. The suggested sums are outlined below:

**FINANCIAL CONTRIBUTION:**

Waste Management	£ 50
Sustainable Transport	£3610
Lifelong Learning	£ 470
Greenspace & Recreation	£2370
Education	£1660

**TOTAL FOR DEVELOPMENT: £8160** (+ legal fees approx £500)

(or option for 5% Discount for early payment, equating to £7752 payable as an up-front payment)

**Conclusions**

The fundamental principle of sub-division to form two dwellings is considered acceptable as the plot is considered to have the area and natural frontage to comfortably sit such an arrangement.

The scale and design of the proposed dwellings sits comfortably with the genre of redevelopment proposals in the area for clean-lined 'marine' inspired properties.

Local amenity levels appear protected through stepped building lines and condition-led restrictions that would remove or limit overlooking and loss of privacy.

Highway safety for all users is protected by offering two safe access points with on site parking at a level that should negate any additional pressure for on-street parking (which is however low in this area).

All matters considered the scheme is considered to sit comfortably with local policy guidance and national guidance for the presumption in favour of sustainable development (that replaces poor design with good design, improves conditions in which people live, and widens the choice of high quality homes).

*Proposed Headers for Conditions:*

- Confirmation of levels
- Details on cladding, glazing, reveals (and the suchlike) prior to commencement
- SUDS details
- Removal of Permitted Development Rights
- Provision (and maintenance thereafter) of parking facilities prior to occupation
- All upper floor rear-facing windows (excluding House 1 bedroom 3) to be fixed and obscure glazed and maintained as such at all times thereafter
- Balcony screening to be fixed prior to occupation and maintained at all times thereafter
- Revised entrance detail to include a splay for added visibility

### **Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- HS Housing Strategy
- H4 Conversion and sub-division into flats
- H9 Layout, and design and community aspects
- H15 House extensions
- CF6 Community infrastructure contributions
- W7 Development and waste recycling facilities
- T25 Car parking in new development
- T26 Access from development on to the highway