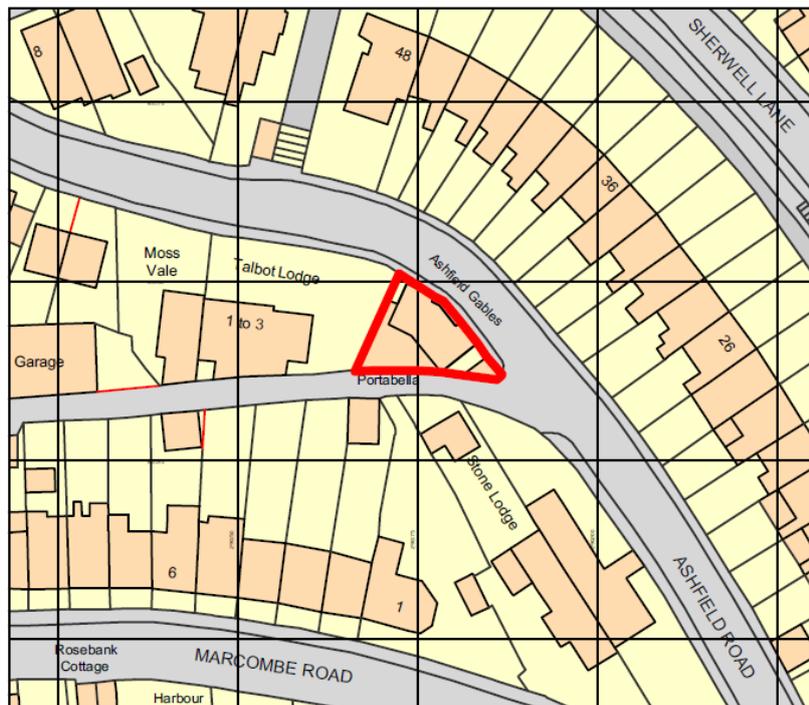


# TORBAY COUNCIL

|   |  |
|---|--|
| Application Site Address                  | Ashfield Gables<br>Ashfield Road<br>Torquay<br>TQ2 6HE   |
| Proposal                                  | Proposed new window; external wall and roof section to existing ensuite shower room; new external door to garage; new external gate to rear terrace.   |
| Application Number                        | P/2021/0856  |
| Applicant                                 | Mr Rob Finch – Torvista Homes Ltd  |
| Agent                                     | Mr Jonathan Ling-Cotter – MTA Chartered Architects Ltd   |
| Date Application Valid                    | 21/07/2021   |
| Decision Due date                         | 15/09/2021   |
| Extension of Time Date                    | Not applicable.  |
| Recommendation                            | Conditional approval subject to the conditions detailed below. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency.  |
| Reason for Referral to Planning Committee | The application has been referred to Planning Committee because it is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received objections from neighbours, the Council's constitution requires that the application be referred to the Planning Committee for determination. |
| Planning Case Officer                     | Emily Elliott  |

## Location Plan:



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### **Site Details**

The site is a two storey detached residential property with an integral garage located on Ashfield Road, with a private service lane that lies to the south of the site. 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 permission for the insertion of a window on the northern elevation at ground floor to serve an en-suite, as well as the rebuilding of the external single skin wall in cavity construction and the section of flat roof over to be replaced on the ground floor en-suite. The proposal also includes the insertion of a door to the south-eastern elevation to serve the existing garage and a timber gate on the south-western perimeter. The proposal also includes a number of internal alterations, however internal alterations to this site do not require planning permission.

### **Pre-Application Enquiry**

None sought.

### **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 Torquay Neighbourhood Plan 2012-2030

### **Material Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice 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/2021/0460: Installation of window and door. Withdrawn 21/07/2021.

P/2021/0404: Certificate of Lawfulness for proposed change of use from C3 (Dwellinghouse) to C4 (HMO). Approved (Permitted Development) 10/06/2021.

P/2008/0025: Alterations; First Floor Bedroom And Ground Floor Garage Extension. Approved 22/02/2008.

P/2004/1335: Erection Of Dwelling With Garage And Vehicular/ Pedestrian Access (Revised Scheme). Approved 15/12/2004.

### **Summary of Representations**

The application was publicised through neighbour notification letters. Approximately 7 letters of objection by 6 individuals have been received.

Concerns raised include:

- Inaccurate plans (Officer comment: The applicant has signed the declaration stating that the plans and information provided are to the best of their knowledge).
- Residential amenity
- Noise
- Parking
- Impact on local area
- Not in keeping with local area
- Overdevelopment
- Sets a precedent
- Privacy/overlooking
- Public consultation (Officer comment: The application was advertised by neighbour notification letters. Householder applications and applications for minor alterations in flats which are not in a Conservation Area are dealt with under a fast track system as set out in the Council's Statement of Community Involvement and do not require a site notice)
- Right of access = Not a material planning consideration.
- Fire regulations = Not a material planning consideration.

### **Summary of Consultation Responses**

#### **Torquay Neighbourhood Forum:**

No comments received.

### **Planning Officer Assessment**

#### **Key Issues/Material Considerations**

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Parking
5. Impact on Flood Risk and Drainage

#### **1. Principle of Development**

The proposal is for the insertion of a window on the northern elevation at ground floor to serve an en-suite, as well as the rebuilding of the external single skin wall in cavity construction and the section of flat roof over to be replaced on the ground floor en-suite. The proposal also includes the insertion of a door to the south-eastern elevation to serve the existing garage and a timber gate on the south-western perimeter.

In the context of householder development within the built-up area there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

A number of objectors have raised concerns regarding the planning history of the site and the potential use of the site. It should be noted that the site was subject of a certificate of lawfulness for proposed use which is separate to this application.

The proposed development requires planning permission, as the original planning permission for the dwelling removed permitted development rights for all types of development described in Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended).

## **2. Impact on Visual Character**

Paragraph 126 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 134 states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'. 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 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 proposal seeks permission for the insertion of a window on the northern elevation at ground floor to serve an en-suite, as well as the rebuilding of the external single skin wall in cavity construction and the section of flat roof over to be replaced on the ground floor en-suite. The proposal also includes the insertion of a door to the south-eastern elevation to serve the existing garage and a timber gate on the south-western perimeter.

Objectors have raised concerns that the proposal would have a negative impact on the local area, not in keeping with the local area, would constitute overdevelopment and set a precedent.

Officers consider that these very minor changes to the external appearance of the dwelling will have no significant adverse impact on the appearance of the dwelling or the street scene. The proposed rebuild of the external wall and recovering of the roof serving the en-suite would not have any additional impact on the existing dwelling or street scene, as it would be replaced on a like-for-like basis. A planning condition is proposed to ensure that the proposal matches the materials used in the existing windows and door. It is considered that the proposal is acceptable with regards to its impact on the character and appearance of the existing dwelling and streetscene.

The proposal is considered to be in accordance with Policy DE1 of the Local Plan, and Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

### **3. Impact on Residential Amenity**

Paragraph 130 of the NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DE3 of the Local Plan states that development should not unacceptably impact upon the amenities of neighbouring occupiers in terms of their outlook, privacy, or access to natural light.

Objectors have raised concerns regarding residential amenity, in particular noise and privacy/overlooking. The proposal is for a window to serve the ground floor en-suite, which will be conditioned to be obscurely glazed to protect the privacy of the occupiers. The proposal also includes the insertion of a door to serve the existing garage on the south-eastern elevation and a timber gate to the south-western flank that would be of no further detriment to adjacent neighbours. It is deemed that the proposal would not result in any notable increase in noise that would be detrimental to neighbouring properties.

The proposal is not considered to result in any serious detriment to amenities of neighbours by loss of privacy, outlook or access to natural light and therefore the proposed alterations are considered acceptable given the context. The proposal is considered to comply with Policy DE3 of the Local Plan.

### **4. Impact on Parking**

In a previous application that has been withdrawn, concerns were raised that the proposed new garage door would prevent use of the space as a garage as a parked car would block use of the door. The door as now proposed opens outwards and the submitted plans show how a car could fit within the space whilst still allowing easy access to the garage door. As such it is considered that there will be no change to parking provision as a result of the proposal.

### **5. Impact on 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 the application has been accompanied by a flood risk assessment. As the proposed development would not result in an increase in the impermeable area on the site, the proposal is deemed acceptable in terms of its impact on surface water flooding. Given the nature of the proposal, the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

### **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 of the Act. 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: Not applicable.

CIL: Not applicable.

### **EIA/HRA**

ERA: 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 key planning issues, the merits of the proposal, development plan policies and matters raised in the objections received. It is concluded that no significant adverse impacts will arise from this development and it is in accordance with the Development Plan, including the Torquay Neighbourhood Plan. 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 local amenity; and would provide acceptable arrangements in relation to flood risk. 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. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

## **Conditions**

### **Materials**

The external appearance of the new window and door hereby approved shall match 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 Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030.

### **Obscure Glazing**

The new window hereby approved on the ground floor, northern flank elevation shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. The window shall thereafter be permanently retained in that condition for the lifetime of the development.

Reason: In the interests of residential amenity, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

## **Informative(s)**

1. 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

SS3 – Presumption In Favour Of Sustainable Development

SS14 – Low Carbon Development and Adaptation to Climate Change

TH8 – Established Architecture