

**Application Number**

P/2015/0793

**Site Address**

Land Between 101 And 105 Penwill Way  
Penwill Way  
Paignton  
Devon  
TQ4 5JN

**Case Officer**

Gary Crawford

**Ward**

Goodrington With Roselands

**Description**

2 no. detached houses and garaging with parking (as revised by plans received 27.05.2016)

**Executive Summary/Key Outcomes**

The proposal is for the erection of two detached houses with integral garages and parking.

The proposal is considered to be acceptable in this location and without any overriding detriment to the character or appearance of the locality or residential amenity of neighbouring occupiers. Consequently the proposal meets Local Plan Policies DE1 (Design), DE3 (Development Amenity), TA2 (Development Access), TA3 (Parking Requirements), ER1 (Flood Risk), C4 (Trees, Hedgerows and Natural Landscape Features) and NC1 (Biodiversity and Geodiversity).

**Recommendation**

Approval

**Statutory Determination Period**

8 weeks, the determination date was 18th November 2015. However, this has been extended until 17th June 2016 to allow time for amended plans to be received and for the proposal to be determined by the Development Management Committee.

**Site Details**

The application site is an undeveloped steeply sloping plot of land situated on the northern side of Penwill Way between two existing dwellings in an established residential area. The site is clearly visible in the streetscene.

**Detailed Proposals**

The proposal is for the erection of two detached houses. The proposed dwellings would appear as three storey dwellings from the front and two storey dwellings from the rear. Both of the proposed dwellings would have integral double garages and front driveways. Amended plans have been received during the course of the application to alter the roof design of the proposed dwellings and to

increase the depth of the proposed driveways.

### **Summary Of Consultation Responses**

*Drainage Engineer:* Providing the surface water drainage system is constructed in accordance with the latest design submission, the Council's Drainage Engineer has no objections to the proposed development.

*Highways Officer:* The 1:8 gradient of the proposed driveways is the maximum gradient that Highways would accept.

*Arboricultural Officer:* At present the land features no trees and therefore there are no constraints with regards to existing trees.

*Green Infrastructure Coordinator:* The submitted Preliminary Ecological Appraisal (PEA) concludes that there is potential for nesting birds to be present in scrub were it to re-grow. A condition should be secured restricting removal of any vegetation to periods outside of the bird nesting season.

The PEA acknowledges that badgers were once active at the site - under the extant permission for one dwelling (P/2014/0588) a badger sett at the site was destroyed under license from Natural England and the site was made badger-proof against re-entry. The PEA confirms that the sett entrances previously closed remain inactive beneath thick gauge steel mesh netting.

The landscaping condition secured for the extant permission, which included the retention of the steel mesh to prevent badger re-entry, should be secured for this new application.

### **Summary Of Representations**

10 letters of objection have been received. Issues raised:

- The proposed roofline and style of the proposed houses would not be sympathetic or compatible with the surrounding houses
- Would like reassurances that a retaining wall will be built
- Would like reassurances that 'badger proofing' mesh would be retained.
- The proposed properties are not in keeping with the surrounding properties and would look out of place.
- Overdevelopment of the site.
- The addition of two further properties would create a danger to all road users
- Potential overlooking impacts
- Loss of outlook

These representations have been sent electronically for Members consideration.

### **Relevant Planning History**

P/1983/3111:	One dwelling house. Approved 1/5/1984 but never implemented.
ZP/2010/0103:	Erection of two dwellings. Advised on 26/2/2010 that the principle of two dwellings would be acceptable.
P/2013/0566:	Erection of one detached dwelling house. Appeal dismissed (Appeal against non determination) 24/3/2014.
P/2014/0588: P/2013/0566).	Erection of one detached dwelling house (Re-Submission of P/2013/0566). Approved 27/2/2015 but not implemented.

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

The key issues to consider in relation to this application are:

1. Impact on the character and appearance of the streetscene
2. Impact on the amenity of neighbouring properties
3. Impact on the amenity of future occupiers
4. Parking provision
5. Drainage
6. Impact on biodiversity

#### **1. Impact on the character and appearance of the streetscene**

Planning permission has previously been granted twice before for the erection of a single dwelling on the application site (P/1983/3111 and P/2014/0588) but neither of these permissions were ever implemented. As such, the principle of residential development in this location is considered acceptable.

Penwill Way features a variety of house types and the properties in the immediate vicinity of the application site are largely characterised by split level detached and semi-detached dwellings. The neighbouring dwellings on the northern side of Penwill Way are situated within spacious plots and are particularly large in terms of their width with an approximate width of 14m. The immediate neighbouring properties on the northern side of Penwill Way also feature a distinctive asymmetrical dual pitched roof design with south facing gable ends. Whilst the proposed new dwellings would have a much narrower width of approximately 7.5m in comparison to the neighbouring properties on the northern side of Penwill Way, given the generous 20m width of the application site, it is considered that the proposed development would not constitute an overdevelopment of the application site. Furthermore, the pair of semi-detached dwellings opposite the application site (Nos. 118 and 120 Penwill Way) each have a width of only 6m. The roofs of the proposed dwellings would be half-hipped and feature asymmetrical front gables to replicate the roof design of the neighbouring dwellings. Furthermore, the ridge heights of the proposed dwellings are stepped down to follow the topography of Penwill Way and to accord with the pattern of roof line heights within the streetscene. The proposed material choices are similar to those used on the neighbouring dwellings and are considered appropriate to the locality.

As such, whilst the proposed development would alter the character and appearance of the streetscene, given the generous width of the application site, the setting down of the ridge heights of the proposed dwellings and the proposed roof design of the new dwellings, on balance, it is considered that the proposal would result in an acceptable development in relation to the character and appearance of the streetscene. Consequently, the proposal would accord with Policy DE1 (Design) of the Torbay Local Plan.

A landscaping plan requiring details of hard and soft landscaping has been included as a condition as details within the application are limited. Comments regarding retaining walls are noted and this will be considered further through this landscaping condition. The types of boundary treatment will be considered on the basis of their impact on the character and appearance of the locality and any queries/concerns regarding structural issues will be dealt with via building control.

## **2. Impact on the amenity of neighbouring properties**

The levels of the application site slope steeply from north to south and the houses would be sited at a significantly lower level than the houses to the rear of the site on the southern side of Wheatlands Road. There would be a minimum 16m back to back distance between the rear elevations of the proposed new dwellings and the rear elevations of the properties in Wheatlands Road, and in addition, the properties in Wheatlands Road are orientated at an angle to the proposed new dwellings in Penwill Way so there would be no direct intervisibility. All of the windows in the flank elevations of the new dwellings are proposed to be obscure glazing and this will be conditioned. In light of this, the proposal is not considered to result in any serious detriment by reason of loss of privacy to neighbouring occupiers.

Proposed house A would result in an impact on the outlook from the windows in the eastern flank elevation of No.101 Penwill Way. However, there would be an approximate 2.5m distance between the side facing windows of the conservatory at No.101 and house A, and the roof of house A would pitch away from the boundary with No.101. Furthermore, there are secondary windows in the front elevation of No.101 which serve the conservatory and lounge. As such, it is deemed that the proposal would not result in an unacceptable overbearing impact upon No.101. Whilst house A would be set 3m further back within its plot than house B, given that house A would be set 1m off the side boundary with house B, it is considered that house A would not be unduly overbearing upon the living environment of the potential occupiers of house B. Given the 1.5m distance between house B and the side boundary with No.105 Penwill Way, it is deemed that house B would not be unacceptably overbearing upon No.105.

With regards to loss of light, given the distance of 2.5m between proposed house A and No.101, and the windows in the front elevation of No.101, it is considered unlikely that the proposal would result in any harmful loss of light or

overshadowing impacts to No.101. Whilst house A would be set 3m beyond the rear elevation of house B and house B would be set approximately 4m beyond the rear elevation of No.105, given the north west orientation of house A in relation to house B and house B in relation to No.105, it is considered that the proposed new dwellings would not result in any significantly harmful loss of light or overshadowing impacts upon neighbouring properties

The proposal is therefore deemed to have an acceptable impact upon the amenity of neighbouring properties, and to be consistent with Policy DE3 (Development Amenity) of the Torbay Local Plan.

### **3. Impact on the amenity of future occupiers**

Proposed house A has a floor area of 134 sq m approximately and proposed house B has a floor area of 151 sq m approximately. Both of these floor areas are deemed to be of a sufficient size for three storey, four bedroom dwellings, as detailed in Policy DE3 (Development Amenity) of the Torbay Local Plan 2012-2030. The proposed dwellings would have sufficient space within their integral garages to accommodate cycle and bin storage. The level of private amenity space available to the future occupiers of the proposed dwellings is also considered acceptable.

### **4. Parking provision**

The Appendix to Policy TA3 (Parking Requirements) of the Torbay Local Plan sets out that the parking requirement for new dwellings is 2 car parking spaces per dwelling unit. It has been demonstrated that there is sufficient space on the front driveways of both dwellings for two car parking spaces and the proposal therefore complies with Policy TA3. The 1:8 gradient of the proposed driveways is considered acceptable. Consequently, the proposal would accord with Policies TA2 (Development Access) and TA3 (Parking Requirements) of the Torbay Local Plan.

### **5. Drainage**

Detailed information has been submitted with regards to surface water drainage from the proposed development which is deemed to be acceptable by the Council's Drainage Engineer. As such, a condition will be included with any permission which states that the drainage should be constructed in accordance with the submitted drainage details.

### **6. Impact on biodiversity**

The submitted Preliminary Ecological Appraisal (PEA) acknowledges that badgers were once active at the site and under the extant planning permission P/2014/0588, a badger sett at the site was destroyed under license from Natural England and the site was made badger-proof against re-entry. The PEA confirms that the sett entrances previously closed remain inactive beneath thick gauge steel mesh netting. The landscaping condition secured for the extant permission P/2014/0588, which included the retention of the steel mesh to prevent badger

re-entry, will be included if permission is granted for the current application.

The submitted PEA concludes that there is potential for nesting birds to be present in scrub were it to re-grow. A condition will also be included with any permission which restricts the removal of any vegetation to periods outside of the bird nesting season.

### **Conclusions**

In conclusion, the proposed development would result in an acceptable development in relation to the character and appearance of the streetscene and it would not result in an adverse effect on the amenity of nearby occupiers. Therefore the proposed development is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

### **Condition(s)/Reason(s)**

01. Parking facilities shall be provided and thereafter permanently retained for the parking of vehicles in accordance with the approved plans prior to occupation of the dwellings. Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

02. The development shall not commence until full details of hard and soft landscape works, including an implementation and management plan, have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscape works shall include retention of any existing trees and hedges, finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The hard landscape works shall include means of enclosure and boundary and surface treatments. The details shall also include details of the retained chain link mesh to prevent badger re-entry within the application site. All works shall be carried out in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan. Reason: In the interests of biodiversity and to secure a landscape scheme that will complement the development in the interests of visual amenity in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

03. No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be undertaken until the reasons why have been submitted to and approved in writing by the Local Planning Authority. The works shall not be undertaken except in the presence of a suitably qualified ecologist. If breeding birds are found or suspected, the works will not be permitted until the

ecologist is satisfied that breeding is complete.

Reason: To ensure no harm to breeding birds in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, and paragraphs 109 and 118 of the NPPF. The reasons why works must be carried out during the bird breeding season are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

04. Surface water drainage shall be in accordance with all of the approved drainage details 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 Policy ER1 of the Torbay Local Plan 2012-30 and paragraph 103 of the NPPF.

05. Prior to the occupation of the two dwellings hereby approved, all of the windows in the flank elevations of the two dwellings shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. Such windows 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 windows 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 Torbay Local Plan 2012-2030.

**Relevant Policies**

DE1 - Design

DE3 - Development Amenity

TA2 - Development access

TA3 - Parking requirements

ER1 - Flood Risk

C4 - Trees, hedgerows and natural landscape

NC1LFS - Biodiversity and Geodiversity