

Application Number

P/2011/0628

Site AddressTorbay Court
Chelston Road
Torquay
Devon
TQ2 6PX**Case Officer**

Mr John Burton

Ward

Cockington With Chelston

Description

Redesign of previously approved scheme to form 1 additional cottage in lieu of one of the flats (scheme now 4 cottages and 6 flats).

Executive Summary/Key Outcomes

Permission exists for 7 flats within the main villa and 3 freestanding houses within the curtilage. That permission has been kept alive and is capable of implementation. The current proposal keeps the existing number of units within the site exactly the same. However, it does alter the mix in a manner that would be better suited to the Torbay housing market. Indeed this is why the application has been lodged. It is not felt that the proposal would adversely impact upon the adjacent property, as the new dwelling would not breach the building line that this newer property and its neighbour have already established. However, the new dwelling would though spoil the setting of the original villa, and detract from the principle elevation which is important within the street scene and the Conservation Area. The decision therefore is an on balance one in which Members will need to weigh up the provision of housing (as oppose to flats) against the detriment to the integrity of the villa. All this would be best judged on site, and it is suggested that Members undertake a site visit to assess this.

Recommendation

It is recommended that Members visit the site to assess the impact of the proposal upon the original villa and the street scene in general. Subject to this, Officer's recommendation will be one of refusal.

Detailed Proposals

Torbay Court is a Victorian Villa, lying on the south side of Chelston Road, in generous grounds. The plot rises markedly from the level of Chelston Road from the driveway entrance to the rear of the plot, where it meets the boundary of properties fronting onto Seaway Lane. The building was last used for light industrial and warehousing purposes. The site is located within the Chelston Conservation Area, amid predominantly residential property.

Full planning permission has previously been obtained for the selective

demolition, conversion and extension of this two-storey and basement building and its single storey outbuilding to provide 7 flats and a free standing terrace of 3 dwelling houses in the grounds. 16 car parking spaces are shown to be served by the existing access onto Chelston Road. A combined bin and cycle compound (2m x 3.5m) is shown close to the access. Although approved by the LPA in June 2007, the Council has determined that the permission is kept alive because all of the conditions have been satisfied and a legal commencement to the works has been verified.

The current proposal does not seek to increase the number of units at the site, but rather it seeks to alter the split such that there would be 6 flats and a terrace of 4 houses. This would be achieved by extending the approved terrace towards Chelston Road by 4.3 metres. The resulting dwelling is shown as a two-storey structure, measuring 7.7 m by 5.6 m externally. Accommodation comprises two bedrooms and a bathroom at first floor level, with a kitchen, lounge and cloakroom at ground floor level. The front door is on the inward facing eastern elevation. The boundary/western elevation has no windows facing the adjoining property.

Summary Of Consultation Responses

Conservation Officer: Raises reservations about projecting out further than approved towards the road. The full observations will be reported to Committee.

Highway Engineer: Has concerns that the narrow entrance to the site and access to the car park may cause conflict between vehicles entering and exiting the site and also that car space No.4 may be difficult to manoeuvre into and out of, however this does not result in a highways objection.

Summary Of Representations

Objections have been received and are reproduced at Page T.200.

Relevant Planning History

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| 1980/2000 | Planning permission granted for the change of use of the building for manufacturing of gentlemen's outfitting accessories (for the benefit of the applicants only). Granted August 1980. |
| 2005/1814 | Planning permission for the conversion and extension of the building to form 14 residential apartments. Refused at committee December 2005. A subsequent appeal was dismissed on the |
| 22/11/2006 | A copy of the appeal decision is attached at Page N.204. Paragraph 21 specifically refers to the importance of the landscaping between the car park and the roadway, and that any reduction of this planting would be detrimental to the area. |
| 2006/0955 | Conservation Area Consent for the demolition of parts of the |

principal building, and the entirety of a curtilage building (to effect 2006/0982). Approved 2/8/2006.

- 2006/0976 Planning permission for the erection of a dwelling within the curtilage of Torbay Court. Refused 2/8/2006.
- 2006/0982 Conversion to form 10 apartments including car parking etc. Considered by Committee on 31/7/2006 following a site visit and determined to be acceptable subject to a Section 106 Agreement and satisfactory revised plans showing 16 parking spaces.
- 2006/0982 Conversion To Form 10 Residential Apartments With Vehicular/Pedestrian Access, approved at Committee with decision notice issued 21/09/2011 subject to a legal agreement under s106 of The Act.

Key Issues/Material Considerations

This scheme is an alteration to that previously approved under P/2006/0982 and subsequently kept alive. The number of units remains the same, so that the current proposal could not be considered to be an overdevelopment of the site. It is not considered that there would be any undue impact upon the neighbouring property at Orchard House, as there are no new windows proposed that would overlook the neighbouring curtilage, the proposed new dwelling would be to the north-east of the neighbour and so would be unlikely to result in a loss of light, and the relationship would be side to side approx. 6 metres apart which is a standard relationship within a street scene.

Also in favour of this proposal is the fact that the number of dwellings (as against flats) would increase. The Torbay housing market needs houses rather than small scale flats and this proposal would help in this regard. The residential conversion and new-build would assist in the delivery of additional housing at a reasonably high density. This is an important consideration under PPS3.

The main difficulty this scheme presents is that the freestanding dwellings would, if this application were to be allowed, project forward of the building line of the original villa. Although the elevation facing Chelston Road is not the principal elevation of the villa, it still has great significance within the street scene. The additional dwelling would obscure the original villa thereby spoiling its setting in what was clearly once a low density Victorian setting. This would make the proposal contrary to the design policies of the Saved Adopted Torbay Local Plan, particularly policy BE5. However, it will be noted that the adjacent two properties at Orchard House and Orchard Cottage already significantly breach the building line of the original villas in Chelston Road, and this has to be taken into account.

Although the Highways Authority does have some concerns, it is noted that they do not raise objection. The entrance and parking provision is as originally

approved and therefore capable of implementation. As the overall number of units is not proposed to alter, and the site overall is well provided for with parking, it is considered that it would be unreasonable to object on highways grounds alone.

S106/CIL -

As the number of units proposed is not altered by this scheme, no changes would be required to the existing s106 legal agreement which is in force and should be attached as part of this permission too.

Conclusions

The consideration is one of balance - whether the need to provide better, more saleable accommodation within the Torbay Housing market outweighs the detriment that is caused to the appearance and setting of the Victorian villa. On balance, it is considered that the site has as much new build as is reasonable without undue impact upon the original Victorian villa, and this additional build would cause harm to an important building within a designated Conservation Area.

Relevant policies

PPS1 "Delivering Sustainable Development"

PPS3 "Housing"

PPS 5 "Planning for the historic environment"

Torbay Local Plan 1995-2011 -

H9 Layout, Design and Community aspects

H10 Housing Densities

H11 Open Space requirements for New Housing

CF6 Community Infrastructure Contributions

L9 Planting and retention of trees

BES Built Environment Strategy

BE1 Design of New Development

BE2 Landscaping and Design

BE5 Policy in Conservation Areas

T25 Car Parking in New Development

Condition(s)/Reason(s)

01. The proposal increase the size of the new build element and would bring it out towards Chelston Road. This would significantly and detrimentally affect the principal elevation of the original villa, its setting, the street scene and the Chelston Conservation Area in general, as well as resulting in the loss of green space and planting which will also be detrimental to the open spacious setting of the villa. Therefore the proposal would be contrary to policies H2.7, BES, BE1, BE2 and BE5 of the Saved Adopted Torbay Local Plan, as well as design objectives A.1, A.3, A.4, A.5 and A.7 of the Urban Design Guide (LDD7) adopted

May 2007 which forms part of the Torbay Local Development Framework 2005 - 2026.

Relevant Policies

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