

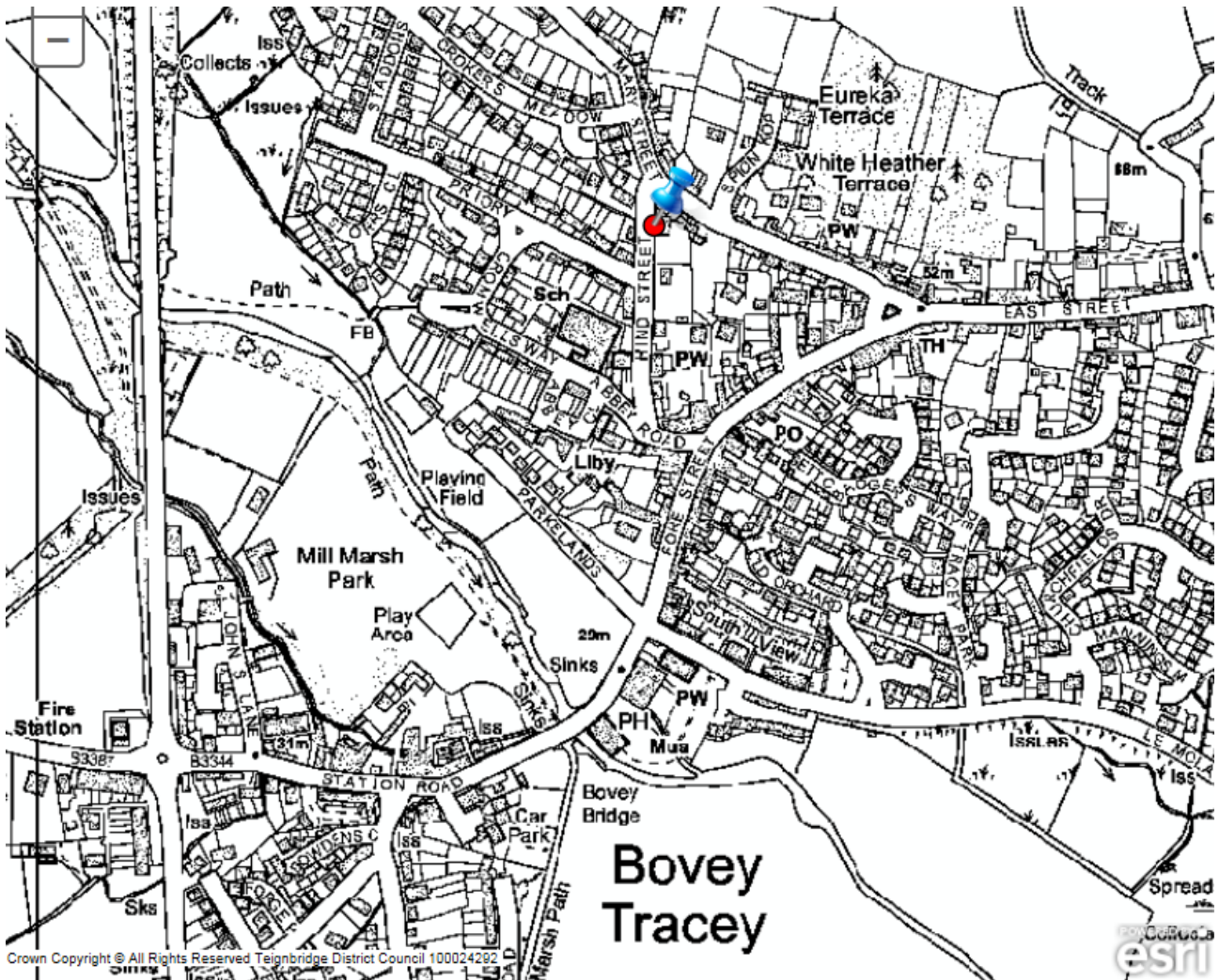
PLANNING COMMITTEE REPORT

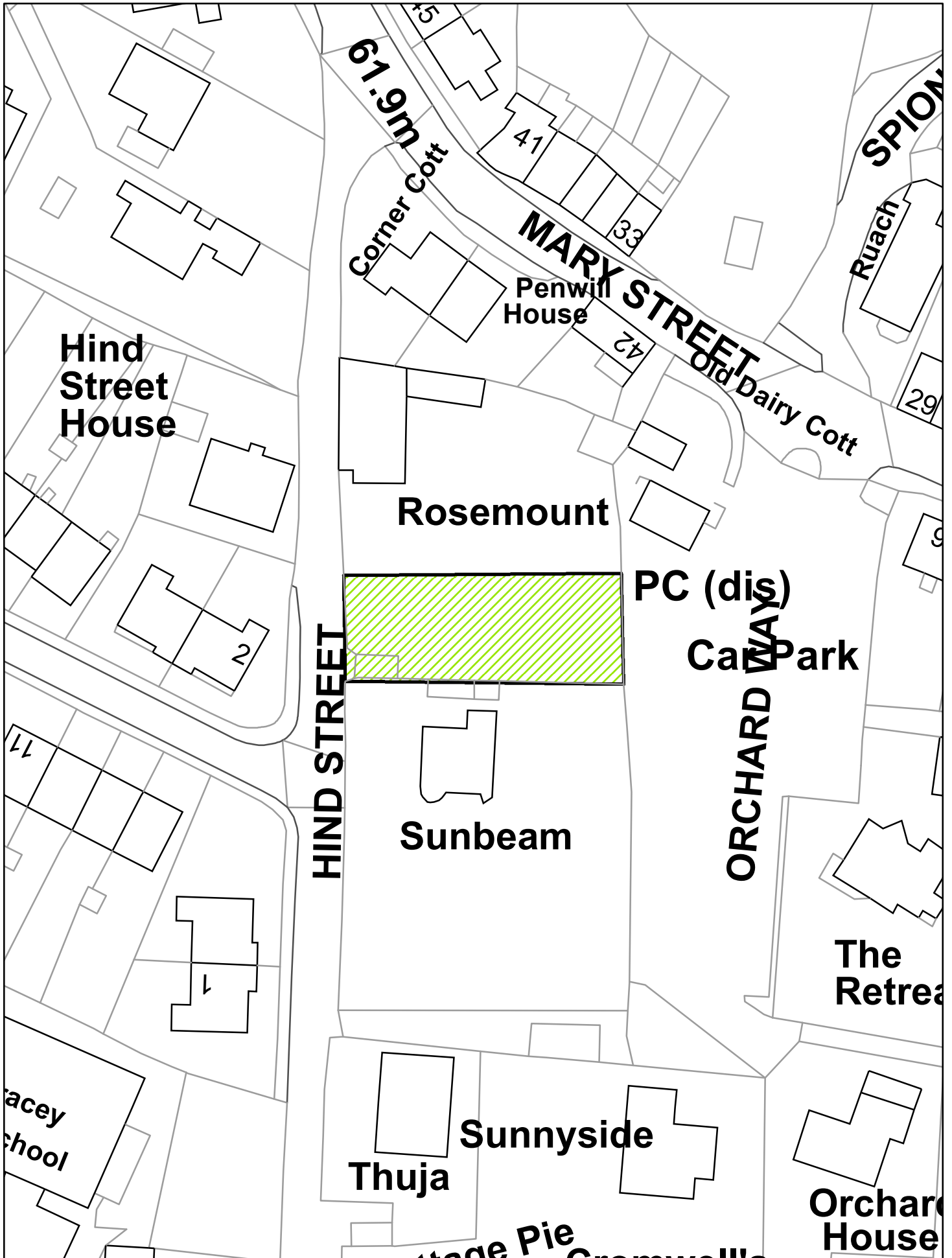
3 JULY 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	BOVEY TRACEY - 18/00826/VAR - Rosemount - Variation of condition 2 on planning permission 16/01720/FUL to vary internal floor plan and elevations and include a new sunroom extension to the east elevation.	
APPLICANT:	Land and Planning Consultancy Ltd	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Councillor Kerswell Councillor Gribble Councillor Morgan	Bovey Tracey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00826/VAR	





1. REASON FOR REPORT

Councillor Kerswell has requested that this application be determined at Planning Committee for the following reasons:

Not supportive of revisions to plans as considered overdevelopment for this area and would have a dominating effect on neighbouring properties with overlooking/loss of privacy.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit for commencement.
2. Development to be carried out in accordance with the approved plans.
3. Removal of Permitted Development Rights.
4. Obscure glazing condition (bathroom windows to south elevation)
5. Development to accord with recommendations of Ecology Survey
6. Notwithstanding the approved plans, details/sample of cladding materials to be approved by Local Planning Authority.

3. DESCRIPTION

- 3.1. The application site rises steeply from south to north and currently forms part of the large garden of a detached dwelling to the north, Rosemount.
- 3.2. To the south is another detached dwelling, Sunbeam, which lies below the application site and also sits in a large plot. To the east is a public car park from which there is vehicular access to Rosemount. To the west is a steep, narrow lane, Hind Street, which is one way and provides access northwards out of the town centre.
- 3.3. Rosemount and the application site, comprising its garden, are located within the settlement limit of Bovey Tracey, within a residential area.

PLANNING BACKGROUND

- 3.4. The application site has been subject to a number of applications and appeals relating to the development of the site for one dwelling, as listed at section 3.18 of this report. Most recently, in 2016, full planning permission (reference number 16/01720/FUL) was granted for a detached dwelling in the garden of Rosemount.
- 3.5. The dwelling which was approved in 2016 has not been completed, however, some works pursuant to the planning permission on site have commenced and the planning permission is extant and could be fully implemented in accordance with the approved plans.
- 3.6. The approved dwelling is essentially single storey, with an integral garage at lower ground floor and set down into the site, accessed from the west.
- 3.7. The approved dwelling would have 4 bedrooms and be finished with natural slate roofing over white render and accent timber cladding, with grey upvc fenestration and

black upvc fascias and soffits. The total floor area of the dwelling as approved (excluding the garage is 139 square metres).

- 3.8. The approved access to the site is from Hind Street, which leads to the integral garage (3.5 metres x 6 metres), with a turning space and a pedestrian path leading to the front door on the south elevation.
- 3.9. The dwelling was approved with garden space to include grassed areas, a patio and planting surrounding the property, with timber fencing as boundary treatment. The approved dwelling would be raised above the level of Hind Street, but is set further back from the road, by approximately 6 metres.
- 3.10. The approved dwelling is to benefit from windows at each elevation, with the bathroom windows to the south being obscure glazed, and a Juliet balcony to the front, west elevation.

PROPOSAL

- 3.11. When planning permission is granted, development must take place in accordance with the permission and the conditions attached to it. New issues may arise after planning permission has been granted which require modification of the approved proposals. Where less than substantial changes to an existing planning permission are proposed an application can be made under Section 73 of the Town and Country Planning Act 1990 to vary conditions associated with an existing planning permission.
- 3.12. This Section 73 application seeks consent to vary condition number 2 (condition listing the approved plans) of the existing consent for a detached dwelling, to substitute the approved floor plan and elevation drawings. The substituted drawings allow for variation in the internal layout, the addition of a sunroom to the north-east corner of the approved dwelling, and other associated alterations to include installation of rooflights and sun tunnels and minor variations to fenestration.
- 3.13. The main alteration, being the addition of a sunroom to the approved design, would be predominantly glazed to its elevations with a pitched slate roof incorporating roof lights. It would measure 4 metres in height to the ridge.
- 3.14. The roof form of the proposed dwelling is to remain the same as that approved in 2016, with the exception of the roof over the sunroom which is proposed to tie in with the roof as approved. The proposed dwelling would also be sited in the same position within the application site as already granted planning consent, with no alteration to the approved vehicular access.
- 3.15. The total area of the dwelling as proposed by this Section 73 application is 156 square metres. Therefore the proposal to incorporate a sun room would result in an increase of footprint over the already approved dwelling of approximately 17 square metres.
- 3.16. As set out above, there are also proposed some fenestration changes; including to the east elevation where a set of doors and window of the approved dwelling would be replaced for a larger set of sliding doors; to the south elevation, two windows would be reduced to one window; and to the north elevation where the dwelling was approved with 5 windows, there would be 4 windows and a door for direct access to a utility room. The fenestration design has been amended from casement windows.

3.17. To the south-facing roof slope 3 x sun tubes are now proposed, and in total 6 x rooflights are proposed; 4 to the north elevation and 2 to the south elevation of the sun room element. The submitted plans are now annotated with cladding as being a composite cladding in cedar colour rather than cedar cladding, and fascias and soffits proposed in dark grey upvc, rather than black upvc.

3.18. HISTORY OF THE SITE

14/02077/OUT

Outline application for detached dwelling - Withdrawn due to likely refusal.

15/01827/FUL - Detached dwelling - Refused (Appeal dismissed).

15/02795/OUT

Outline planning application for the principle of one dwelling (access details included) - Refused (Appeal allowed).

16/01369/REM

Approval for details for one dwelling (appearance, landscaping, layout and scale) - Withdrawn

16/01720/FUL

Dwelling in garden - Approved

PRINCIPLE OF DEVELOPMENT/SUSTAINABILITY

3.19. With regard to the proposed development, the principle of a new dwelling within the application site has already been judged to accord with the relevant policies of the Teignbridge Local Plan 2013-2033 and planning permission (reference number 16/01720/FUL) for the erection of a dwelling in the garden of Rosemount was granted on 5 August 2016.

3.20. Matters of visual impact, neighbouring amenity, highway safety and impact on ecology were all considered under the previous application and judged to be acceptable. As set out above, planning permission 16/01720/FUL is an extant permission.

3.21. As set out above, this application seeks to vary condition number 2 of the original consent, to allow for the amendments to internal floor layout and a larger footprint to incorporate a sunroom, together with alterations to fenestration and inclusion of sun tunnels and rooflights.

3.22. The position of the dwelling within the application site and the approved vehicular access would be unaltered from that already approved under the original consent.

3.23. Therefore the main planning considerations in this instance are whether the proposed amendments to design from that originally approved, are acceptable in terms of the character and appearance of the site; and neighbouring amenity.

CHARACTER AND APPEARANCE/VISUAL IMPACT

- 3.24. The main amendment from that of the original consent is the addition of a sunroom to the approved design. The sunroom would result in the dwelling being approximately 17 square metres larger than that already approved.
- 3.25. It would have a pitched slate roof incorporating roof lights and would have a lower ridge height than the rest of the dwelling.
- 3.26. The roof form of the proposed dwelling is to remain the same as that approved in 2016, with the exception of the roof over the sunroom which is proposed to tie in with the roof as approved.
- 3.27. The proposed dwelling would also be sited in the same position within the application site, as already granted planning consent, and it is considered that sufficient amenity space to serve the dwelling would remain to the rear (west) of the proposed dwelling.
- 3.28. Therefore, the proposed alterations to the design and scale of the dwelling are not considered to significantly alter the character and appearance of the scheme from that which is already approved.
- 3.29. It is noted that the submitted plans are now annotated with cladding as being a composite cladding in cedar colour rather than cedar cladding, and fascias and soffits proposed in dark grey upvc, rather than black upvc.
- 3.30. There is no objection to the grey and fascias and soffits proposed in dark grey upvc would match the colour finish of the approved fenestration. The installation of roof lights and sun tunnels are also considered to be acceptable.
- 3.31. However, it is considered reasonable to impose a condition requiring samples of cladding material in order to ensure that quality materials are selected; it is likely that the Local Planning Authority will require a cedar cladding as set out as part original scheme, rather than the composite cladding as set out on the plans submitted as part of this Section 73 application.
- 3.32. The visual impacts of the dwelling have been judged to be acceptable under planning application reference number 16/01720/FUL and permission was granted. The introduction of a sunroom sited to the north and east elevations, would not be visible from the principal elevation of the property facing Hind Street to the west. This element would be visible to the occupiers of neighbouring properties to the north and south, and from the car park to the east. However, in the context of planning permission for a dwelling on site, it is not considered that the introduction of a sunroom, and other external alterations to the design including the introduction of roof lights and sun tunnels together with fenestration changes would result in any unacceptable visual impacts on the character of the street scene, immediate site surroundings or the wider landscape.

IMPACT UPON NEIGHBOURING AMENITY

- 3.33. The closest residential properties to the application site are Rosemount to the north and Sunbeam that lies below the application site to the south.

- 3.34. The position of the dwelling within the application site would be unaltered from that already approved under the original consent.
- 3.35. In consideration of the neighbouring amenity impacts of the previous planning application reference 16/01720/FUL, it was judged that no unacceptable neighbouring impacts would result, subject to conditions requiring obscured glazing to the two bathroom windows to the south elevation, and removing permitted development rights, to protect the amenities of the occupants of Sunbeam to the south.
- 3.36. A number of letters of representation have been received in respect of this Section 73 application, on the basis that the addition of a sunroom would result in additional blocking of views, reduction of light, have an overbearing appearance, and result in adverse noise impacts in relation to surrounding properties.
- 3.37. The revisions to the internal layout have resulted in one window rather than two, sited to the south elevation of the property, and it is still considered appropriate to apply a condition requiring this window to be obscure glazed.
- 3.38. The sunroom would be predominantly glazed with three panes to its south facing elevation. These windows would be set back from the main south elevation of the property by approximately 5.8 metres and approximately 8 metres from the southern boundary.
- 3.39. Given the set back of these windows, it is not considered that they would result in unacceptable overlooking impacts towards Sunbeam to the south and it is not considered to be necessary to impose a condition requiring these windows to be obscure glazed.
- 3.40. The sunroom would be sited to the north east corner of the dwelling and would have a pitched roof with a ridge height of just under 4 metres, sitting lower than the ridge heights of the main part of the dwelling as already approved.
- 3.41. Therefore, having regard for the siting and scale of the sunroom, it is not considered that it would result in an overbearing appearance or result in loss of light to the neighbouring property to the south.
- 3.42. For the reasons set out above, subject to conditions relating to the obscured glazing of the bathroom window and the removal of permitted development rights as attached to the original consent being re-applied, it is considered that the proposed dwelling as amended by this Section 73 application, is acceptable in respect of neighbouring amenity and having regard to Policy S1(e) which requires developments to perform well against criteria relating to neighbouring amenity.

CONCLUSION

- 3.43. For the reasons set out above, the proposed amendments to the existing planning permission for a dwelling are not considered to result in any unacceptable impacts on the character and appearance of the dwelling from that as already approved, or to result in any adverse impacts on the wider locality. The amendments are not considered to result in unacceptable neighbouring amenity impacts and, therefore, subject to appropriately worded conditions as summarised above, this is considered to represent an appropriate form of development whereby the Local Planning

Authority considers that the balance of considerations weigh in favour of granting planning permission.

- 3.44. Where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission which remains intact and unamended. Therefore it would be necessary to re-apply all conditions attached to the previous planning permission.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

No consultation responses in respect of this Section 73 application.

6. REPRESENTATIONS

The application has been advertised by way of site notice on 25 April 2018.

Neighbours notified:

2 Priory

3 Priory

Hind Street House

Sunbeam

The Garden Room

Penwill House

Corner Cottage

5 letters of objection have been received at the date of drafting this Committee report raising the following planning issues:

1. Overdevelopment of the site
2. Sunroom not a necessary addition
3. Neighbouring amenity (sunroom would result in additional blocking of views/reduction of light/overbearing appearance/noise to surrounding properties)
4. Disruption during construction activities
5. No reference to temporary access for construction
6. Unclear if the dwelling will be in same position as previously-approved scheme
7. Application does not clearly state all amendments
8. Inadequate area of outside space for proposed dwelling

9. Materials have been amended and weakened architectural quality of the approved scheme
10. New stone wall does not match the existing

7. TOWN COUNCIL'S COMMENTS

No comments received from the Town Council at the date of drafting this Committee report.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 174.33m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0m². The CIL liability for this development is £24,982.44. This is based on 174.33 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place