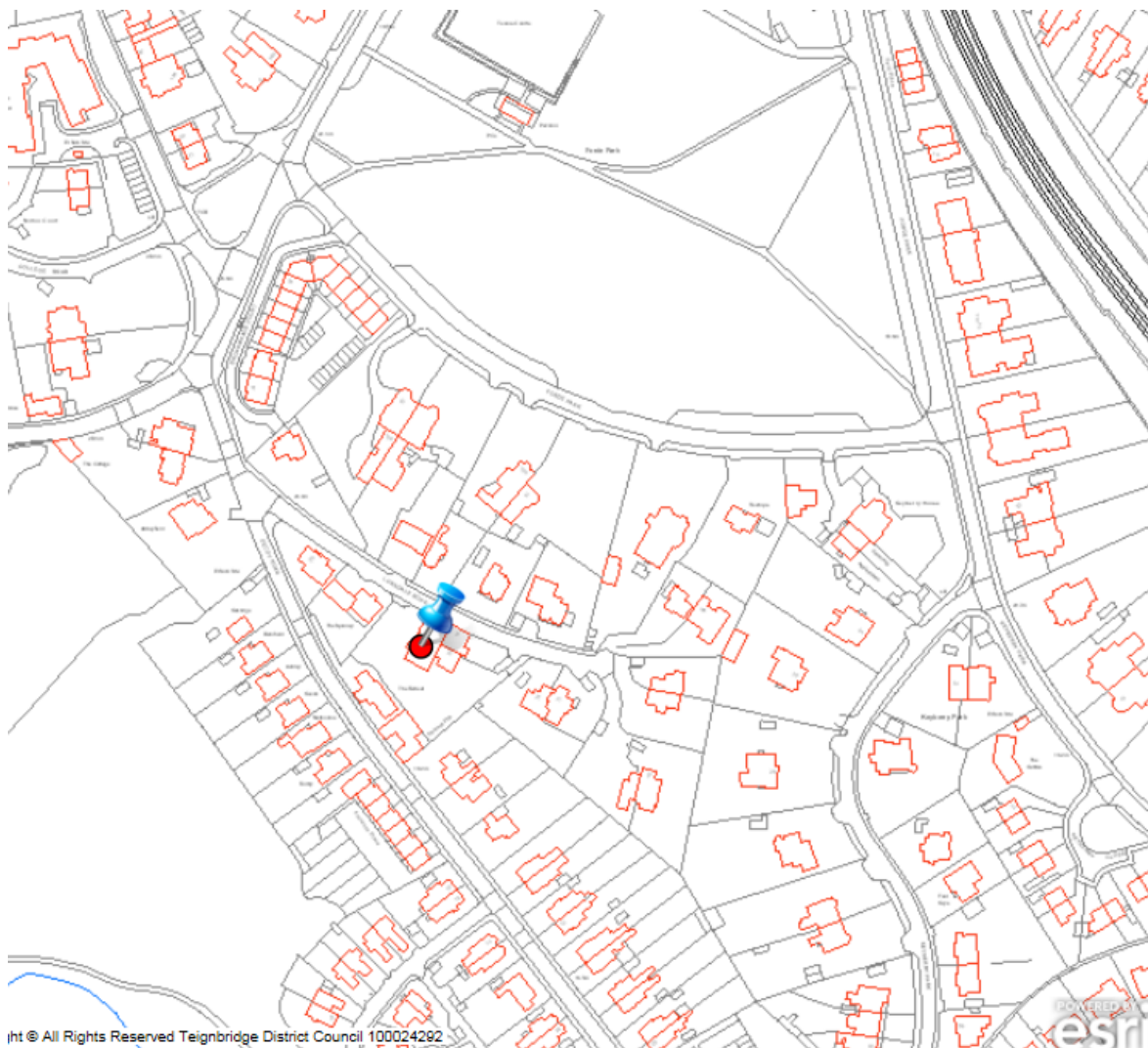


PLANNING COMMITTEE REPORT 29 AUGUST 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/01143/FUL - Foxley House, 18 Lonsdale Road - Garage with office above	
APPLICANT:	Mr & Mrs Gentry	
CASE OFFICER	Nicola Turner	
WARD MEMBERS:	Councillor Pilkington Councillor Jones	College
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01143/FUL&MN	





1. REASON FOR REPORT

Councillor Pilkington has requested Committee determination due to major concerns about land stability and loss of amenity through overbearing, and loss of light to neighbouring occupiers.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

1. The proposed outbuilding, by reason of its scale, siting and design, does not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area. It is therefore considered to be contrary to Policies S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework; and,
2. The proposed building, by reason of its scale, siting and design, will cause a loss of amenity to neighbouring residents of The Spinney and The Retreat, through its overbearing nature and loss of light and outlook. The application is therefore considered to be contrary to Policies S1 (Sustainable Development Criteria) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033.

3. DESCRIPTION

The Site

- 3.1 The application site is located within the Newton Abbot Forde Park Conservation Area and comprises a large house with substantial gardens to the west and south. The house itself immediately abuts Lonsdale Road, as does the adjoined house to the east. There is a gravel driveway to the west of the dwelling, accessed through a stone gateway with piers. The front garden boundary is a stone wall, which is characteristic of much of the road frontage on Lonsdale Road.
- 3.2 The house is not listed, but it is an attractive period property with an ornate frontage in a render finish with quoin details around the doors and windows. It is identified in the Conservation Area Character Appraisal as making an outstanding positive contribution to the character and appearance of the Conservation Area. It would appear that the current house and the two adjoined houses to the east were once one large villa on a very large plot, but over time the building has been subdivided and additional dwellings have been built in its grounds to the west (The Spinney and 20 Lonsdale Road) and south (The Retreat and Florence Villa). The western elevation, however, retains its original character and is open to views from the west.
- 3.3 There are no listed buildings in the immediate vicinity.

Planning History

- 3.4 In July last year planning permission was sought for a garage with a home office above under reference 17/01772/FUL. The proposed building was positioned in the south west corner of the plot, close to the boundaries with The Spinney and The

Retreat. It measured 10.6 metres x 6.6 metres with a ridge height of 6.2 metres and comprised a triple garage with an office in the roofspace with 3 dormer windows facing towards Lonsdale Road and a first floor gable end window facing east.

3.5 The application was refused on 9 November 2017 for the following reasons:

1. *The proposed outbuilding, by reason of its siting and design, does not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area. It is therefore considered to be contrary to Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework, and,*
2. *The proposed building, by reason of its siting and design, will cause a loss of amenity to neighbouring occupiers of The Spinney and The Retreat, through overlooking of their private amenity space and accommodation, overbearing and cause loss of light and outlook. The application is considered to be contrary to Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework.*

The Proposal

- 3.6 The current proposal is for a smaller building in a similar position to provide a double garage with home office above. The footprint now proposed is 8.2 metres x 6.2 metres with a ridge height of 4.8 metres. The roof would be fully hipped with 2 dormer windows facing Lonsdale Road. There would be no windows or rooflights in the other 3 elevations. Because of its reduced footprint it would be further from the boundaries of the site than previously proposed – it would be 2.6 metres from the southern boundary (The Retreat) and 2.5 metres from the western boundary (The Spinney).
- 3.7 The materials for the proposed building are identified as render and “slate tiles”. There are no details given on the materials for the dormer windows, garage doors or rainwater goods.

Main Issues

- 3.8 As with the previous application, the main issues for consideration are:
- a) the principle of the development/sustainability;
 - b) the impact on the character and appearance of the Conservation Area; and,
 - c) the impact on the residential amenity of the occupiers of surrounding properties

Principle of the development/sustainability

- 3.9 The site lies within the Settlement Limits of Newton Abbot as identified by Policy S21A of the Teignbridge Local Plan (TLP). Within Settlement Limits Policy 21A states that development will be permitted where it is consistent with the provisions

and policies of the Local Plan. It is therefore considered that the principle of an ancillary residential building on this site could be viewed positively subject to compliance with other relevant policy considerations.

Impact on the character and appearance of the Conservation Area

3.10 In coming to a decision on this application the Council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and have given it importance and weight in the planning balance.

3.11 Policy EN5 of the TLP states that:

“To protect and enhance the area’s heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including.....Listed Buildings, Conservation Areas.....other archaeological sites.....

Development should respect and draw inspiration from the local historic environment responding positively to the character and distinctiveness of the area, important historic features, their settings and street patterns. Where appropriate development should include proposals for enhancement of the historic environment including key views and actions identified in Conservation Area Character Appraisals and Management Plans.”

3.12 Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) require development to maintain or enhance the appearance and historic interest of affected street scenes and to ensure that new development is of high quality design.

3.13 The proposed building is quite significantly smaller than that previously refused. However it would still be a large structure. The fall of the land to the south-west means that it would be visible from Decoy Road and would intrude into the open aspect of the western elevation of Foxley House. The north elevation would be visible from Lonsdale Road through the access point and over the front boundary wall.

3.14 The size and scale of the new structure, together with the poorly proportioned dormer windows on the north elevation, would not sit comfortably in the streetscape and would detract from the special character of the Conservation Area. In addition the building would detract from the attractive setting of Foxley House and views of and towards it. There is nothing in the proposed design of the building that draws inspiration from the local historic environment, or that demonstrates a positive response to the character and distinctiveness of the area or of the existing building.

3.15 The new structure could not be said to preserve the character and appearance of the Conservation Area. The legislation sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 194 of the National Planning Policy Framework (NPPF) states that any harm to a designated heritage asset (which includes a Conservation Area) should require clear and convincing justification. Paragraph 196 says that where a development proposal would lead to less than substantial

harm (which would be the case here) this harm should be weighed against the public benefits of the proposal. The only potential public benefit of the proposal that has been identified is the provision of additional off-street parking to reduce on-street parking in Lonsdale Road. However, the property already has a sizeable off-street parking area that is capable of accommodating several cars, so the public benefit of additional parking is very limited.

- 3.16 The proposed development would fail to preserve the character and appearance of the Conservation Area and there would be no public benefit that outweighs the harm to the character and appearance of the Conservation Area. The proposal would therefore be contrary to Policies S1, S2 and EN5 of the TLP and the advice contained in the NPPF.

Impact on residential amenity of the occupiers of surrounding properties

- 3.17 The previous application was refused due to the impact on the residential amenity of the occupants of The Retreat and The Spinney. The reduced size of the building will, of course, reduce that impact.

- 3.18 Policy WE8 of the TLP states that residential outbuildings will be permitted if:

- a) *the design and materials are complementary to the existing building;*
- b) *in Conservation Areas the design and materials are also complementary to the character of the area;*
- c) *the scale is appropriate to the existing building and would not:*
 - i. *overdevelop the site or result in the provision of insufficient amenity space*
 - ii. *result in the undue loss of outlook or light to habitable rooms of neighbouring properties*
 - iii. *reduce the level of privacy enjoyed by neighbouring properties*
 - iv. *have a dominant or overbearing impact on neighbouring properties or the street-scene....*

- 3.19 Policy S1 requires development proposals to perform well when considering the impact on the residential amenity of existing dwellings, particularly privacy, security, outlook and natural light.

- 3.20 The two dwellings whose amenity are affected by the proposal are The Spinney, to the west and The Retreat, to the south. As there are no windows proposed in the rear or side elevations of the proposed building there could be no overlooking of The Retreat. The only windows are in the dormers on the front elevation facing Lonsdale Road. The building would be set well back on the plot such that its front elevation would roughly align with the rear elevation of The Spinney. As a result any overlooking of windows in the rear elevation of The Spinney would be at such an acute angle that there would be very little intervisibility. There is a ground and first floor window in the side elevation of The Spinney, but any overlooking of these windows from the dormers would be at distance, at an angle, and would not afford any more overlooking than is already the case from Foxley House and its garden. The proposed development would not therefore result in any unacceptable loss of privacy.

- 3.21 The proposed building would be within 2.5 metres of the boundary with The Spinney and would extend 6 metres back from its rear building line. The building would be 2.7 metres to eaves height and would sit to the east of The Spinney,

which has a conservatory along its rear elevation. Although much reduced from the previous scheme, there would still be a significant loss of outlook for the occupants of The Spinney as a result of the proposal and some loss of sunlight during the morning. This would probably be reduced to an acceptable level if the garage was single storey, but the elevated eaves level takes it beyond the threshold of acceptability.

- 3.22 The building would be within 2.5 metres of the rear boundary of The Retreat, which is set at a significantly lower level behind a high retaining wall. There would be little loss of light to the windows in the rear elevation of The Retreat as a result of the development as sunlight only penetrates into the rear courtyard when the sun is at its highest, and this angle would not be affected by the proposed building. However the proximity of the building to the boundary, and its elevated eaves height, mean that it would be a dominant feature when viewed from the amenity area to the west of The Retreat (the only really useable area of amenity space available to the occupants of this dwelling). The resultant overbearing impact would adversely affect the residential amenity of the occupants of The Retreat.
- 3.23 The harmful impact on residential amenity in the form of loss of outlook and light to The Spinney and the overbearing impact on The Retreat would be contrary to Policies S1 and WE8 of the TLP.

Other matters

- 3.24 The representations received raise issues relating to drainage, flooding and land stability. These are matters that would properly be considered under the Building Regulations.
- 3.25 The applicants have drawn attention to other planning permissions that have been granted in the area, in particular planning permission reference 16/02158/FUL, which included a first floor extension above an existing garage at the adjacent property (17 Lonsdale Road). However this was a quite different proposal involving the provision of a pitched roof over an existing flat-roofed single garage, and is therefore not directly comparable to the current proposal.

Conclusions

- 3.26 Although this proposal is significantly reduced in scale from the previously-refused proposal it would still have a harmful impact on the appearance of the Conservation Area and would adversely affect residential amenity. It is therefore recommended that permission be refused.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

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

EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

Listed Buildings and Conservation Areas) Act 1990

Forde Park Conservation Area Character Appraisal

Newton Abbot Neighbourhood Development Plan 2016 - 33

NANDP2 (Quality of Design)

NANDP11 (Protection of Designated and Non Designated Heritage Assets)

5. CONSULTEES

Conservation Officer - Foxley House is an unlisted building in Forde Park Conservation Area. It has been identified in the Conservation Area appraisal as making an outstanding positive contribution to the character and appearance of the Conservation Area. I would regard it as an undesignated heritage asset in its own right in addition to being a positive element in the Conservation Area (which is a designated heritage asset), due to its architectural form and survival of decorative detailing, both of which are characteristic of the Forde Park Conservation Area.

I commented on the previous application for a garage with accommodation above - 17/01772/FUL. I am afraid the changes to the design do not overcome the concerns I previously raised.

The relevant legislation sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. I am not aware of any public benefit that could outweigh the harm to the character and appearance of the Conservation Area. I could not support this application.

6. REPRESENTATIONS

Letters of objection have been received from, or on behalf of, the occupiers of 5 properties raising the following planning issues:

1. Similar to previously refused proposal and does not overcome reasons for refusal
2. Harmful to character and open aspect of Foxley House
3. Intrusive in street scene of both Lonsdale Road and Decoy Road
4. Harmful impact on Forde Park Conservation Area
5. Loss of light, privacy, tranquility and outlook for occupiers of The Spinney
6. Increased danger of flooding and land slippage
7. Could ultimately lead to a new dwelling being established
8. Loss of privacy, light, tranquility and outlook to The Retreat and overbearing impact

3 letters of support received raising the following issues:

1. Height and footprint significantly reduced since previous refusal
2. Street scene largely unaffected
3. No windows overlooking The Retreat or The Spinney
4. No extra cars so no additional fumes

5. Drainage and land stability are covered by Building Regulations
6. Additional parking will help alleviate parking problems in Lonsdale Road
7. Previous reasons for refusal have been overcome
8. Development would be in keeping with the area

7. TOWN COUNCIL'S COMMENTS

The Committee recommended refusal on the basis that the issues raised by the Case Officer from the previously-refused application had not been addressed.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is less than 100m² of new build that does not result in the creation of a dwelling.

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