

PLANNING COMMITTEE REPORT

Tuesday 19 March 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/02452/FUL - Foxley House, 18 Lonsdale Road - Construction of a single storey garage	
APPLICANT:	Mr & Mrs Gentry	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Councillor Pilkington Councillor Jones	College
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02452/FUL&MN	





1. REASON FOR REPORT

Councillor Hocking, as a neighbouring Ward Member, has requested Committee determination due to concerns about the size and scale of the proposed development as it would be overbearing to the surrounding area, it is an overdevelopment of the site and the application does not address the issues raised under the previous applications which were refused by Teignbridge District Council planning officers.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time condition
2. Works in accordance with approved plans
3. External materials sample
4. No additional openings

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 2017, 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.*

3.6 In June 2018, a revised planning application was received for a garage with an office above under reference 18/01143/FUL. This application sought permission for a smaller building than the one sought under reference 17/01772 but in a similar position within the plot to provide a double garage with home office above. The footprint of the building sought under reference 18/01143/FUL was 8.4 metres x 6.4 metres with a ridge height of 4.9 metres. Permission was sought for a building with a fully hipped roof and two pitched roof dormer windows facing Lonsdale Road. The building sought under reference 18/01143/FUL was located 2.6 metres from the southern boundary (The Retreat) and 2.5 metres from the western boundary (The Spinney).

3.7 Application 18/01143/FUL was refused by the Planning Committee on 30 August 2018 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.*

The Proposal

3.8 The current proposal is for a single storey, triple garage. The footprint of the building proposed is 9.7 metres x 6.4 metres with an eaves height of 2.2 metres and a ridge height of 3.5 metres. The roof would be fully hipped. The garage would be located 1.7 metres at its closest point to the southern boundary with The Retreat and 2.7 metres at its closest point from the western boundary with The Spinney.

- 3.9 The materials for the proposed building are identified as render with quoin details at the corners. There are no details provided for the materials for the garage doors, window, roof or rainwater goods.
- 3.10 Revised plans were received during the course of the application as, due to the shallow roof pitch of the garage originally proposed, it was considered unlikely that natural slate could be fitted to the roof due to the shallow pitch. Consequently, the eaves level of the proposed garage was reduced so that the pitch of the roof could be increased in order for natural slate to be fitted to the roof. In addition, the siting of the proposed garage was altered within the plot of Foxley House so that the front elevation of the garage was in line with the south west flank elevation of Foxley House.

Main Issues

- 3.11 As with the previous applications, 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

- 3.12 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 a detached garage 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

- 3.13 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.

- 3.14 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.”

- 3.15 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.
- 3.16 One of the reasons for refusal of the proposed building under reference 18/01143/FUL was that 'the proposed outbuilding, by reason of its scale, siting and design, would not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area'.
- 3.17 Although the garage currently under consideration is 1.5 metres larger in terms of its width than the building refused under reference 18/01143/FUL, the proposed garage would be the same depth as the building refused under reference 18/01143/FUL. Furthermore, the eaves height and ridge height of the garage proposed under the current application would be 0.5 metres and 1.4 metres lower respectively than the eaves height and ridge height on the building refused under reference 18/01143/FUL.
- 3.18 The proposed garage would be fairly large in terms of its footprint, however, due to the size of the host dwelling and the size of the plot, it is considered that the application site is capable of taking the proposed building and the garage would appear subservient to the host dwelling and would not constitute an overdevelopment of the plot. Furthermore, the proposed garage would respect the character and appearance of the host property in terms of its design with rendered walls with quoin details at the corners and a hipped roof. Although no details are provided for the materials for the garage doors, window, roof or rainwater goods, it is considered that if planning permission is granted, these details may be required via a condition.
- 3.19 Foxley House is identified as making an outstanding contribution to the character and appearance of the Forde Park Conservation Area in the Forde Park Conservation Area Character Appraisal. It is acknowledged that the proposed garage would intrude into the open aspect of the western elevation of Foxley House. However, due to the levels of the application site sloping downwards from north east to south west, the garage would be set at a lower level to Lonsdale Road. Whilst the proposed garage would be visible when viewed from Lonsdale Road through the access point to Foxley House, due to the drop in levels, the distance between the garage and the street, and the height of the proposed garage, it is considered that the proposed garage would not appear overly prominent within the streetscene of Lonsdale Road. Whilst the proposed garage may be visible from Decoy Road to the rear of the application site, due to the proposed eaves height and ridge height of the garage, and its distance from Decoy Road, again, it is deemed that the garage would not appear overly prominent when viewed from within the streetscene of Decoy Road.
- 3.20 Although the proposed garage would be fairly large in terms of its footprint and it would have an impact upon the character and appearance of the Forde Park Conservation Area, due to its significant reduction in ridge height of 1.4 metres compared to the building that was refused under reference 18/01143/FUL and given that the design of the proposed garage would respect the character and appearance of the host property, it is considered that, on balance, the current proposal has overcome refusal reason number one under reference 18/01143/FUL. The height of the proposed building does however form an important part of this

consideration and any alteration to the plans to increase the height of the building in due course would require very careful consideration.

- 3.21 It is considered that the proposed development would preserve the character and appearance of the Conservation Area. The proposal would therefore comply with Policies S1, S2, WE8 and EN5 of the Teignbridge Local Plan and the advice contained in the NPPF.

Impact on residential amenity of the occupiers of surrounding properties

- 3.22 The second reason for the refusal of application 18/01143/FUL was that the proposed building, by reason of its scale, siting and design, would cause a loss of amenity to neighbouring residents of The Spinney and The Retreat, through its overbearing nature and loss of light and outlook.

- 3.23 Policy WE8 of the Teignbridge Local Plan 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.**

- 3.24 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.

- 3.25 The two dwellings whose amenity are affected by the proposal are The Spinney, to the west, and The Retreat, to the south. As the only window proposed in the garage would be positioned in the south east flank elevation of the garage, facing towards the rear garden of Foxley House, the proposal would not result in any overlooking or loss of privacy impacts upon the occupiers of neighbouring properties.

- 3.26 The proposed garage would be located 2.7 metres at its closest point from the western boundary with The Spinney. The eaves height and ridge height of the proposed garage have been reduced by 0.5 metres and 1.4 metres respectively compared to the building that was refused under reference 18/01143/FUL. In addition, the proposed garage would be positioned slightly further away from the side boundary with The Spinney than the building proposed under reference 18/01143/FUL. Although the garage proposed under the current application may result in some loss of light and outlook upon The Spinney, due to the reduction in eaves height and ridge height respectively compared to the building that was refused under reference 18/01143/FUL, it is deemed that the current proposal has overcome the previous reason for refusal and the impact upon The Spinney would not be harmful enough to warrant a refusal of the application. Objections to noise, disturbance and light from vehicles using the proposed garage are noted. However,

due to the existing driveway at Foxley House, it is considered that the proposal would not result in a significantly worse impact in terms of noise, disturbance and light from vehicles than the existing situation.

- 3.27 The building would be located 1.7 metres at its closest point to the southern boundary with The Retreat, which is closer than the building which was proposed under reference 18/01143/FUL. However, the eaves height of the building currently proposed is 0.5 metres lower than the building proposed under reference 18/01143/FUL. In addition, the ridge height of the building currently proposed is 1.4 metres lower than the building proposed under reference 18/01143/FUL. Due to the orientation of the proposed garage due north east of The Retreat, it is considered that the proposal would not result in a significantly harmful loss of light impact upon The Retreat. Whilst the proposal may result in some overbearing impacts upon the amenity area to the side of The Retreat, due to 2.2 metres eaves height of the proposed garage, the 1.7 metres distance between the garage and the rear boundary with The Retreat at its closest point, and the roof of the proposed garage pitching away from the boundary with The Retreat, it is deemed that, on balance, the current proposal has overcome the previous reason for refusal and the proposal would not result in a significantly harmful overbearing impact upon The Retreat. Again, the height of the proposed building does however form an important part of this consideration and any alteration to the plans to increase the height of the building in due course would require very careful consideration.
- 3.28 It is therefore considered that the proposal would comply with Policies S1 and WE8 of the Teignbridge Local Plan.

Other matters

- 3.29 The representations received raise issues relating to drainage, flooding and land stability. These are matters that would properly be considered under the Building Regulations.

Conclusions

- 3.30 It is deemed that the proposed development would not adversely affect the character of and appearance of the Conservation Area or adversely affect the amenity of neighbouring properties. The application is considered acceptable and compliant with Policies S1A, S1, S2, WE8 and EN5 of the Teignbridge Local Plan 2013-2033.

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 - I have no detailed comments to make at this stage. If you are minded to approve the application, I suggest a materials sample condition for all external materials. Roof to be natural slate, doors and windows to be timber.

I also suggest you ensure that Permitted Development Rights for erecting walls, gates, fences, means of enclosure are removed from this site, in order to avoid the risk of future sub-division in front of the principal elevation of this attractive 19th century building.

6. REPRESENTATIONS

Site notice erected. 7 letters of objection were received in response to the consultation on the original plans received. The letters of objection raised the following issues:

1. Similar to previously-refused proposal.
2. Overdevelopment which would affect the setting of a Victorian house in a Conservation Area.
3. Detrimental to the amenities and structural security of neighbouring residential property.
4. General adverse effect upon the Conservation Area.
5. Impact of traffic noise and fumes.
6. Intrusive on the streetscene of both Decoy Road and Lonsdale Road.
7. Could ultimately lead to a new dwelling being established.
8. Overbearing to the surrounding area.
9. Loss of light and sunshine.
10. Detrimental changes to outlook.
11. Noise disturbance.
12. Increase in surface water – land slippage and flooding.

Following the submission of revised plans, two additional letters of objection have been received which raised the following issues:

1. Overbearing impact
2. Noise, fumes and disturbance
3. Land instability and flooding
4. Impact of car headlights
5. Impact on outlook

7. TOWN COUNCIL'S COMMENTS

The Committee recommended refusal on the grounds of overlooking and overdevelopment.

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