

Planning Committee Report

Chairman: Cllr Colin Parker

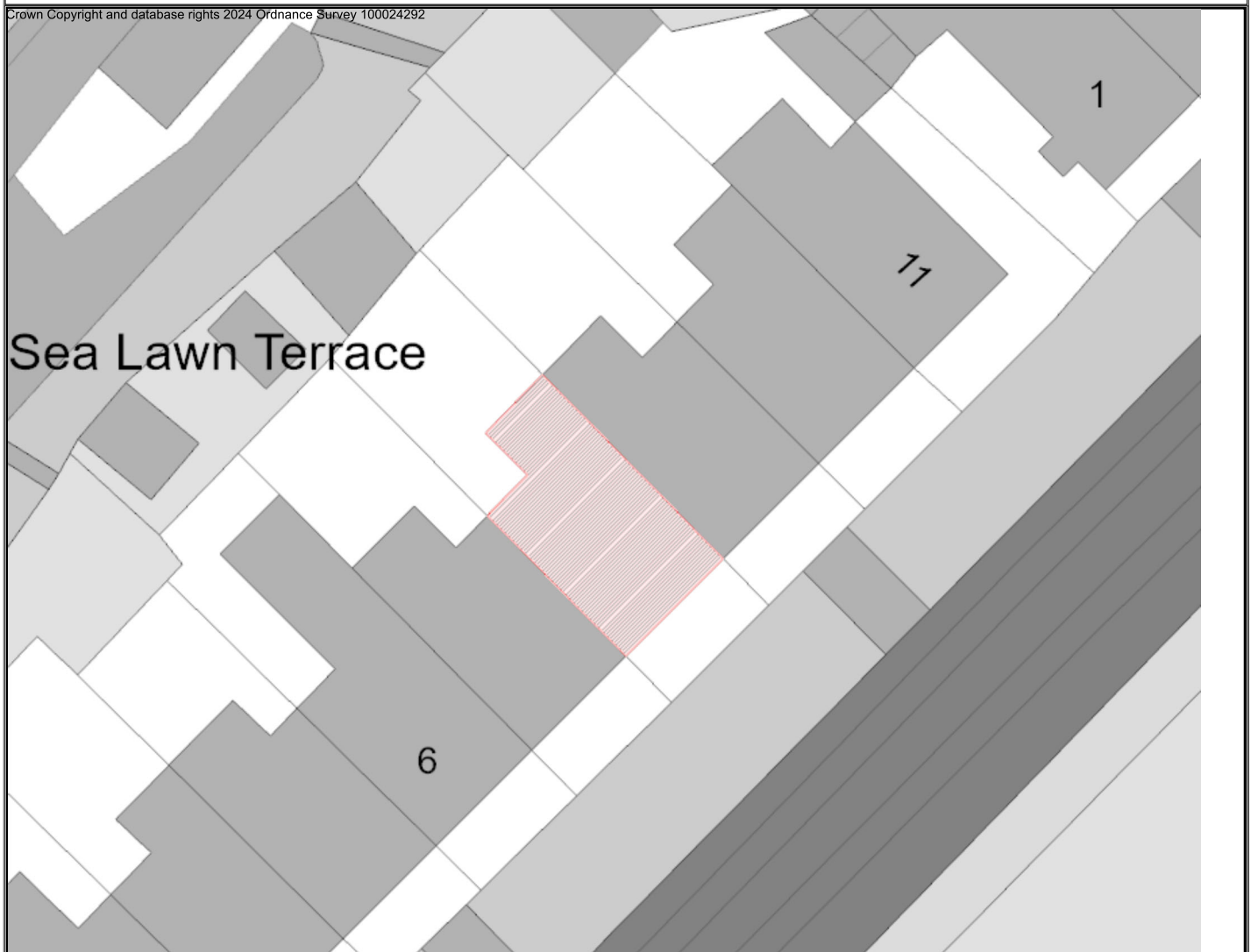
Date	11 June 2024
Case Officer	Lucy Downey
Location	Flat 3 8 Sea Lawn Terrace Dawlish Devon EX7 0AD
Proposal	Sea Loft conversion
Applicant	Mr & Mrs Rowe
Ward	Dawlish North East
Member(s)	Cllr Linda Goodman-Bradbury, Cllr Rosie Dawson, Cllr Martin Wrigley
Reference	23/01762/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

This has been called to Planning Committee by the Town Council as they recommend refusal on the basis that:

- The skylight balcony is not in keeping with the other houses on the street.
- It sets an undesirable precedent
- None of the applications on this road have been refused by Devon Highways because they don't consider themselves responsible for this road as it is a private road. Therefore the response of no comments is misleading as it doesn't mean no objection. If Teignbridge want an accurate representation they should talk to the Highway Authority- the local residents of the road.
- There are concerns over issues with extra cars.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form and the following documents:

Date Received	Drawing/reference number	Description
22 Sep 2023		Application Form
22 Sep 2023	PL004 A	Proposed GA (Elevation/Floor/Roof/Section)
22 Sep 2023	PL002 A	Block plan

REASON: In order to ensure compliance with the approved drawings.

3. The works hereby approved shall proceed in strict accordance with the recommendations described in the Preliminary Ecological Assessment (Bat & Nesting Bird Survey) by George Bemment Associates, dated 22 December 2023.

REASON: In the interests of biodiversity protection and enhancement

4. Prior to the occupation of the loft conversion the window in the new dormer on the north west elevation serving the proposed bathroom shall be fitted with a minimum of level 3 obscured glazing over the entirety of the window with no clear areas. The window shall thereafter be permanently retained in that condition.

REASON: To protect the privacy of adjacent occupiers.

3. DESCRIPTION

The site

- 3.1. The application site is Flat 3, located on the top floor of a terraced property located along Sea Lawn Terrace, Dawlish. The site can be directly accessed from Exeter Road.

The Application

- 3.2. The proposed works include a loft conversion, implementing a small roof dormer and roof light on the north west elevation and two balcony rooflights and one small rooflight on the south east elevation.

Site history

- 3.3. 22/02204/HOU Loft conversion including proposed front and rear dormer windows and balcony – REFUSED on 5th July 2022

Main issues

- 3.4. The concerns raised by the Town Council are set out in their call in to Committee amongst other matters are considered below under the following headings:
- Principal of development/Sustainability
 - Impact upon the character and visual amenity of the area
 - Impact on residential amenity of surrounding properties
 - Highway Safety
 - Impact of the proposal on biodiversity
 - Impact on climate change

Principal of development/Sustainability

- 3.5. The application is for adaptations and extensions to an existing dwelling. Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 (hereafter named the Local Plan) supports minor developments of this nature, where the design and materials are complementary to the existing building and on a scale that is appropriate to the existing building.
- 3.6. The principal is therefore supported. However, the proposal will need to be considered in greater detail in terms of the specifics but the principal of such works is supported.

Impact upon the character and visual amenity of the area

- 3.7. Taking in to account the provisions of Policy S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Local Plan, the proposed fold out balcony would not significantly alter the overall appearance of the property due to it not being in the open position on a permanent basis. With the option to retract the balcony, the roof lights would lie flush to the existing roofscape, ensuring minimal disruption to the existing character and appearance of the host dwelling and wider neighbourhood. When open there may be limited views of the vertical aspects but

the most likely view would be of the open rooflights section which would not be inappropriate.

- 3.8. With the height of the property in combination with the narrow width of the residential road, it would limit the overall view of the balconies located on the roof of the terraced property when viewed from street level. This is shown in the image below taken during the Officer's site visit, property under consideration is the blue building.
- 3.9. Whilst this approach may be different to other works in the street this does not in itself mean the works are unacceptable. The proposal is considered to be of an appropriate scale and design to the host dwelling and it is considered that it will have no adverse effects on the character or visual amenity of the area.
- 3.10. The proposed elevations show that the rear dormer would be located on the north-west elevation, demonstrating it would not be widely visible to the public realm. The roof dormer is appropriately scaled and its design would be in keeping with the existing property.
- 3.11. Therefore, it is considered that the impact is limited, and the proposal is acceptable in terms of its design and impact upon street character.

Impact on residential amenity of surrounding properties

- 3.12. The proposal demonstrates the implementation of an obscure glazed window on the northwest elevation in the proposed dormer, which would reduce the potential risk of overlooking and reduction of privacy levels for neighbouring properties.
- 3.13. Due to the scale, design and siting of the proposed developments, there are no foreseen issues with overbearing or over dominating impacts.

Highway safety

- 3.14. The proposed development does not propose any alterations to the existing access or parking arrangements and due to the nature of the proposal being a relatively minor addition to an existing property resulting in one additional bedroom, there is no foreseen significant increases in regard to the number of vehicles accessing the site as a result of the loft conversion.
- 3.15. In addition the property has a designated parking space along Sea Lawn Terrace and a garage located at the rear of the property. Therefore, there is not considered to be any impact on highway safety. The comments in relation to the road being privately owned and maintained are not considered to be an overriding consideration for this proposal which is limited in scope and impact.

Impact of the proposal on biodiversity

- 3.16. A preliminary ecological survey was submitted with the application. The survey found no evidence of bats or nesting birds. It also states that the proposed development is unlikely to impact on bats nor cause a disturbance. It identified several best practice recommendations and biodiversity enhancement. These recommendations and enhancement will be secured through condition to ensure that, should bats or nesting birds be identified, protection measures are in place.

- 3.17. The application is therefore considered to be acceptable in this respect, subject to the condition being applied.

Precedent

- 3.18. The Town Council raised concerns regarding the undesirable precedent which would be set from the proposed development. It is considered that the proposal would remain in-keeping with the existing street scene and neighbouring properties due to the appropriate design and scale, reducing the risk of creating an undesirable precedent along Sea Lawn Terrace and the wider local area. Precedent alone is not a reason to approve or refuse any future schemes and they would also need to be considered on their own merits.

Impact to property structure

- 3.19. A number of representations have been received with regards to the potential impact to the structure of the building as a result of the proposed loft conversion. The potential harm caused to the structure of the building or neighbouring properties is not a material consideration and therefore cannot be considered in the determination of the proposal. Such works would be covered by the Building Regulations system and there is no need for duplication of these considerations within the planning system.

Holiday Use

- 3.20. Several representations have been received with regards to the property being converted for the use of a holiday home. There is no direct correlation with the proposal leading to the use of a holiday home and this reason alone cannot warrant a refusal. Furthermore the use of residential space for holiday use may not be a material change of use and often requires no permission.

Impact on Climate Change

- 3.21. As a householder proposal, an informative encouraging the use of sustainable construction techniques will be applied to the permission.

Conclusion

- 3.22. The application has been assessed against the relevant planning policy context and is considered to be acceptable. It is considered that the site can accommodate the additional storey and there will not be adverse impact on the qualities of the local area, residential amenity, or ecology.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S7 Carbon Emission Targets
EN3 Carbon Reduction Plans
EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species
WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments

National Planning Policy Framework
National Planning Practice Guidance

5. **CONSULTEES**

Network Rail:

Network Rail has no objections to the proposal.

6. **REPRESENTATIONS (Full responses on file)**

A site notice was posted.

29 representations were received in objection to the application. The objections may be summarised as:

- The proposal would not remain in keeping with the appearance of the terrace.
- The balcony would overlook neighbouring properties.
- The intent for holiday letting would increase the number of vehicles within the area without any additional parking.
- Structure not being safe enough for this type of conversion causing damage to neighbouring properties.

7. **TOWN / PARISH COUNCIL'S COMMENTS**

Dawlish Town Council: Meeting of 5th October 2023 – Recommends refusal

Councillors have concerns about the following aspects:

- The skylight balcony not remaining in-keeping with the other houses on the street
- It would set an undesirable precedent within the terrace.
- The response of no comments from Devon Highways is misleading as it doesn't mean no objection.
- There are concerns over issues with extra cars within the area.

The Parish Council requests that this application be considered by the planning committee and not by delegated power.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

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.

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Head of Place and Commercial Services