

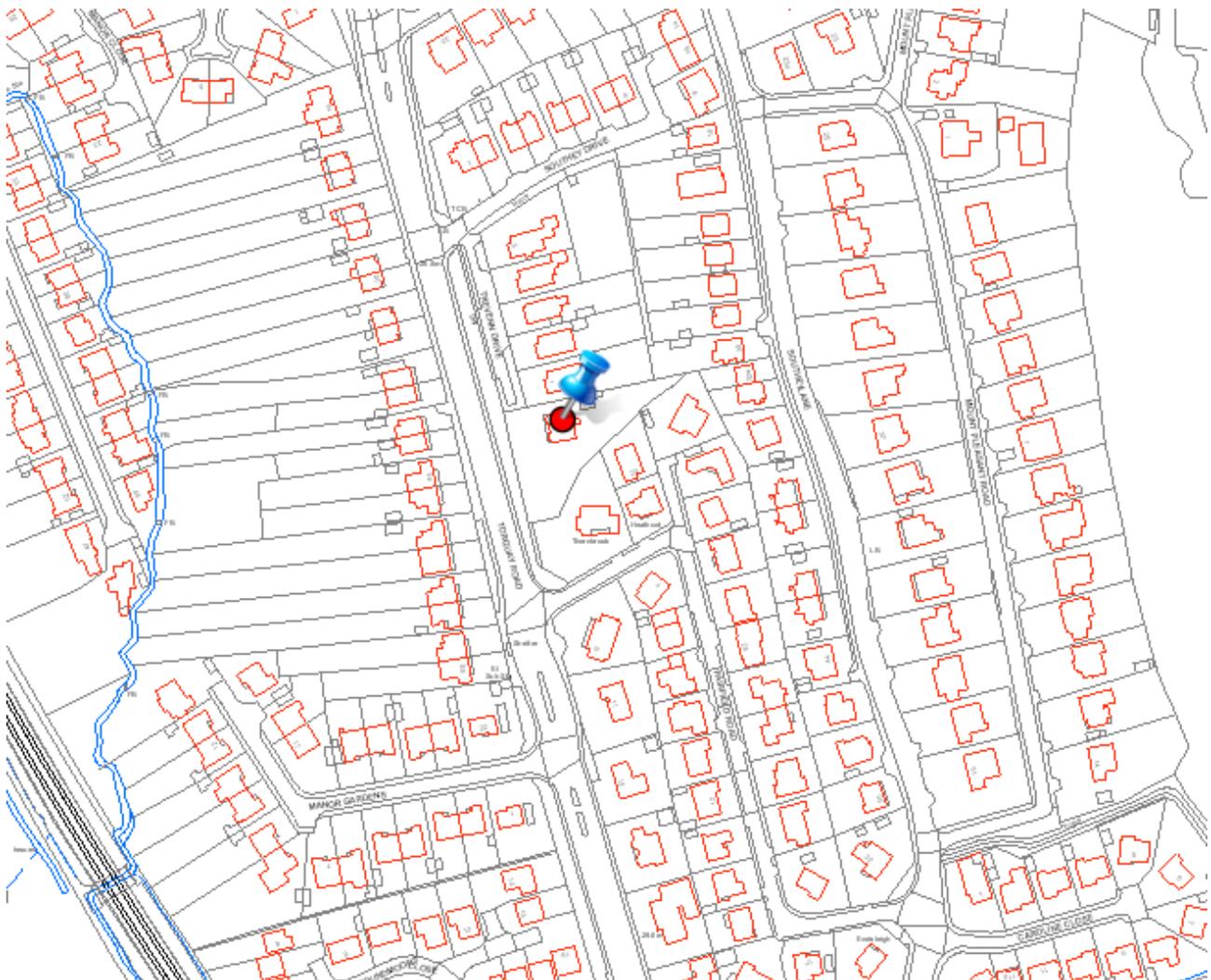
PLANNING COMMITTEE REPORT

6 August 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	KINGSKERSWELL - 19/00822/FUL - 7 Torquay Road, Kingskerswell - Erection of a dwelling in garden	
APPLICANT:	Mr G Grieve	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Haines Councillor Cook	Kerswell With Combe (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00822/FUL&MN	





19/00822/FUL - 7 Torquay Road, Kingskerswell, TQ12 5HH



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1. REASON FOR REPORT

Cllr Haines has requested that this application be referred to Planning Committee for determination if officer recommending refusal. The reason given for this request is that the issue of building line is not clear due to Trevenn Drive being set back from the main road and other Torquay Road properties being set nearer the road.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

The orientation proposed for the proposed dwelling sited at an angle on the plot and forward of an established building line would be against the urban grain of the area, and locating a dwelling in this location is considered to result in an incongruous addition to the street scene which would represent a cramped form of development that would also adversely impact on the residential amenities of Thornbrook given its location in relation to this property which would result in the erection of a dwelling in this location being unduly dominant and overbearing on this property. The proposal is therefore assessed to be contrary to policies S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033.

3. DESCRIPTION

Site Description, Background and Proposal

- 3.1 The application relates to the side garden of a detached house known as 7 Torquay Road.
- 3.2 It is roughly triangular in shape and the plan indicates that access would be taken off Torquay Road which is the only way of accessing the site.
- 3.3 The site is located within the settlement of Kingskerswell and is within the Kingskerswell Air Quality Management Area.
- 3.4 There have been two previous applications for a dwelling on this site.
- 3.5 Firstly, application reference 04/05477/OUT which was outline application for means of access only with all other matters reserved for future consideration which was refused for the following reasons:
 - Any dwelling on the plot would adversely impact on the amenities of Thornbrook and 20 Fairfield Road due to overlooking, undue dominance and overbearing;
 - It would generate increased traffic entering and leaving a National Primary Route with consequent risk of additional danger to and interference with the free flow of traffic; and
 - It would set a precedent for development along a road which, by virtue of its function in the highway network would be contrary to Devon Structure Plan Policy.

This application was appealed and the appeal dismissed.

3.6 A second application 17/02143/OUT was later submitted for outline consent for a dwelling with all matters reserved for future consideration. This application was refused for the following reason:

- Any dwelling on the plot would result in a cramped form of development which would result in an incongruous addition to the street scene that would adversely impact on the residential amenities of Thornbrook and 20 Fairfield Road due to creating overlooking opportunities and due to the erection of a dwelling on this plot being unduly dominant and overbearing on these neighbours contrary to policies S1A(a), S1(e) and S2 (a) of the Teignbridge Local Plan 2013-2033 and guidance contained in the National Planning Policy Framework.

This decision was not appealed.

3.7 The current application, before Planning Committee, is a full application for the erection of a dwelling in the garden.

3.8 The proposal shows that the dwelling would be sited at an angle on the plot and forward of the two immediately adjacent properties 7 Torquay Road and property known as Thornbrook. Access, off-street parking and turning space would be proposed off Torquay Road with the off-street parking and turning area being adjacent to Torquay Road to the side of the dwelling. The property would be left with two small triangular shaped garden areas to its front facing Torquay Road and to its side elevation adjacent to 7 Torquay Road to the north east of the proposed dwelling.

3.9 The proposed dwelling is shown as a two-storey dwelling with porch to the front and dormers in the roof, its ridge height would be lower than that of 7 Torquay Road. The property would have a render finish with concrete interlocking roof tiles and white uPVC windows and doors.

Principle of the development/sustainability

3.10 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the LPA should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development.

3.11 Policy S21A (Settlement Limits) of the Teignbridge Local Plan 2013 – 2033 states that: Settlement limits are defined on the Policies Map for Newton Abbot, Kingsteignton, Kingskerswell, Dawlish, Teignmouth, South West of Exeter, Bovey Tracey and Chudleigh and for villages listed in policy S21.

Within the settlement limit development will be permitted where it is consistent with the provisions and policies of the local plan.

3.12 In this case it is considered that whilst the principle of the development may be acceptable, given that the site lies within the defined settlement limit of Kingskerswell, the development proposal has not successfully demonstrated that the dwelling could be accommodated on the site without adversely impacting on neighbouring residential amenity or the character and appearance of the area.

Impact upon setting of listed buildings and the character and appearance of the Conservation Area

- 3.13 There are no listed buildings within the vicinity of the site that would be adversely affected by the proposal and the proposal does not lie within a Conservation Area.

Impact upon the character and visual amenity of the area

- 3.14 Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013 – 2033 states that: Subject to other Development Plan policies which may determine the suitability of the location for the proposed development and provide more specific or overriding requirements in a particular case, proposals will be required to perform well against the following criteria, taking account of the social, economic and environmental benefits of the proposal, its scale and magnitude of impact, the status of any legally protected features affected and any associated mitigation.
- 3.15 Policy S2 (Quality Development) of the Teignbridge Local Plan 2013 – 2033 states that: New development will be of high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with a distinctive character.
- 3.16 The submitted block plan shows that the dwelling would be sited forward of the established building line created by Thornbrook and 7 Torquay Road as well as development for some distance in either direction in this area and the established properties in the immediately adjacent street of Trevenn Drive. It would also be sited at an angle fronting Torquay Road.
- 3.17 The orientation and positioning of the dwelling would be at odds with the urban grain of the area and would fail to integrate with, nor enhance the character of the adjoining built environment as required by policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033.
- 3.18 Furthermore, since the site tapers sharply towards the rear and the land fronting Torquay Road is proposed to be largely taken up by the provision of off-street parking and turning space the proposal leaves very little useable private amenity space.
- 3.19 In the context, of the surrounding residential neighbourhood, which is characterized by plots afforded reasonable areas of private amenity space, it is considered that the proposed development would appear contrived and cramped on the plot, resulting in the development appearing as an incongruous addition the street scene which would not positively contribute to the character and appearance of the area.
- 3.20 It is therefore considered that the proposal would fail to integrate with or enhance the character of the adjoining built and natural environment contrary to policy S2 of the Teignbridge Local Plan 2013-2033.

Impact on residential amenity of surrounding properties

- 3.21 The dominant characteristic of surrounding properties of the site with the exception of 7 Torquay Road is bungalow development. A two-storey dwelling is proposed for the plot, this would be set lower than the ridge height of 7 Torquay Road but would exceed the ridge height of neighbouring bungalows.
- 3.22 It is considered that as the proposal is sited within close proximity to the bungalow of Thornbrook, which has itself been extended such that its footprint now comes very close to the shared boundary, that the proposal would have an unacceptable impact on the living accommodation of this property in terms of having an enclosing overbearing impact and due to its two-storey scale impacting on light into the rear of this property and its private rear garden which would be to the detriment of the residential amenity of the occupiers of this property. This would be contrary to policies S1A (a) and S1 (e) of the Teignbridge Local Plan 2013-2033.

Impact on ecology/biodiversity

- 3.23 The proposal involves the construction of a dwelling in the side garden of an existing dwelling it is considered that bats are unlikely to be impacted by a development in this location.

Land drainage/flood risk

- 3.24 The site is not located within a high risk flood zone (i.e. flood zone 2 or 3) and is therefore a site that would in flood control terms be suitable for the vulnerable residential use proposed. There would therefore be no objection on flood risk grounds.
- 3.25 The application form states that surface water will be dealt with by means of soakaway. If minded to approve it is recommended a condition be applied to ensure that this complies with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority in order to ensure a satisfactory and suitable surface water drainage system is provided to serve the development.

Highway Safety

- 3.26 The site has a frontage onto Torquay Road from which access to the site would be achieved.
- 3.27 At the time of the previous application (04/05477/OUT) which was refused amongst other reasons on highway safety concerns, Torquay Road served as a National Primary Route from Exeter serving Newton Abbot and Torbay. The road experienced a high volume of traffic throughout the year and was particularly through Kingskerswell heavily congested.
- 3.28 Since this decision was issued planning permission was given for the Kingskerswell bypass and this has since been built, this has resulted in the bypass becoming the new Primary Route and Torquay Road becoming a secondary road which has reduced the amount of traffic using this road.

- 3.29 Having consulted with DCC Highways verbally they have advised that the previous reasons for refusal given on the decision notice for 04/05477/OUT in relation to highway safety given the change in the characteristics of the use of Torquay Road are no longer applicable and there would therefore no longer be a highway safety concern with this application.
- 3.30 It is concluded that there is adequate on-site provision to enable turning on site to allow exit in a forward gear and to allow for off-street parking.
- 3.31 In light of the above, no highway safety objection is raised to Torquay Road being used to access the property.

Air Quality

- 3.32 The proposed development is within the Kingskerswell Air Quality Management Area (AQMA).
- 3.33 Environmental Health have therefore been consulted and have advised that to offset the impact of the development on the AQMA in the event of this development being completed while the AQMA is in existence a contribution of £50 per parking space towards air quality mitigation would be required to offset any increase in traffic pollution as a result of the development and to compensate for the cumulative impact of development in this area.

They have also suggested that this would be provided by CIL however this is not on the Regulation 123 List and therefore would need to be entered into by way of a S106 legal agreement on the grant of consent.

- 3.34 The Kingskerswell Bypass has now been built and the Air Quality Management Area is currently subject to 3 years' worth of testing to ascertain whether or not the construction of the Kingskerswell Bypass has improved Air Quality in the AQMA to an acceptable level. If it is found that it has then the AQMA would be abolished. The Authority is approaching the end of this period of testing and results thus far show a positive improvement which indicates that it is likely that the AQMA would be abolished. Consideration, therefore needs to be given to whether or not it is reasonable to request this mitigation contribution to this development.
- 3.35 It is concluded by Officers that given that the proposal is for a single dwelling which a limited contribution of £100 would be achieved the administrative costs of compiling the S106 and also processing the payment would outweigh the benefit of this confirmation. On balance, therefore it is not considered that such a small sum would make a significant contribution to Air Quality Management in the area to justify the administration costs and therefore for this case the Air Quality Management mitigation contribution is recommended to be waived.

Refuse/Recycling Facilities

- 3.36 The submitted ground floor plan shows the provision of a bin storage area to provide storage for refuse/recycling facilities. If minded to approve it is recommended that this be secured by condition.

Conclusion

3.37 It is concluded that a dwelling in this location would due to the orientation proposed for the proposed dwelling sited at an angle on the plot and forward of an established building line would be against the urban grain of the area, and locating a dwelling in this location is considered to result in an incongruous addition to the street scene which would represent a cramped form of development that would also adversely impact on the residential amenities of Thornbrook given its location in relation to this property which would result in the erection of a dwelling in this location being unduly dominant and overbearing on this property. The proposal is therefore assessed to be contrary to policies S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033.

3.38 Refusal is recommended.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S11 Pollution

S21A Settlement Limits

EN6 Air Quality

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Environmental Control (Air Quality):

In the event of this development being completed while the Kingskerswell Air Quality Management Area (AQMA) is in existence a contribution of £50 per parking space towards air quality mitigation, improvement and monitoring in and around the Kingskerswell Air Quality Management Area to be prepared and implemented by the Council, is sought for this application via a Community Infrastructure Levy contribution. The contribution is to offset any increase in traffic pollution as a result of the development and to compensate for the cumulative impact.

Devon County Council Highways:

Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

6. REPRESENTATIONS

None received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Kingskerswell Parish Council recommend refusal of the application.

The representation received comments that the parcel of land on which this building is proposed is not suitable. The building would not match in with the building line of

Torquay Road, the style of the proposed building is not in-keeping with the existing properties and these properties would be affected detrimentally by the addition of it. We feel that this would be another example of a build that is unsightly and 'crammed' and would request that the site is visited in order to fully appreciate the impact of the proposal.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 116.79. 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 0. If it were approved, the CIL liability for this development is £10877.60. This is based on 116.79 net m² at £70 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.

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.

Business Manager – Strategic Place