

Application Number

P/2014/0095

Site AddressPine Lodge
Sladnor Park Road
Torquay
Devon
TQ1 4TF**Case Officer**

Mrs Ruth Robinson

Ward

St Marychurch

Description

Provision of a dwelling on adjacent land (Resubmission of P/2013/0979)

Executive Summary/Key Outcomes

This application involves the construction of a dwelling within a domestic garden area. The site lies within the defined Countryside Zone and within a Coastal Preservation Area and Area of Great landscape Value.

Similar applications in the locality have been consistently refused in the past and appeals routinely dismissed, as they are contrary to Local Plan policy which restricts the introduction of new dwellings in the Countryside zone.

In 2012 planning permission for a dwelling in the garden at Allways, Teignmouth Road was granted by the Development Management Committee, contrary to officer advice. This property is next door to the application site.

This led to the submission of an application for a similarly sized 2 storey dwelling in the northern portion of this adjacent garden plot. This was recommended for refusal on planning policy grounds which Members supported.

A revised scheme for a single storey 'sunken' dwelling, with a minimal impact on landscape character and designed to achieve high standards of energy efficiency, has now been submitted which seeks to resolve any concerns about possible visual impact on the surrounding countryside.

Officer's opinion is that the application, whilst representing a good standard of design and an improvement on the previous scheme in terms of visual impact, is still unacceptable when judged against local plan policies which seek to restrict the introduction of new dwellings within the countryside zone.

In view of the decision on Allways and the history of the site it has been agreed with the applicant that the decision should be referred to DMC for consideration.

Recommendation

Refuse, as the development is contrary to Local Plan policy L4 as the site is within the defined Countryside Zone and the precedent set by approval would result in sporadic residential development within the countryside zone which would impact on the special landscape character of the area contrary to policies L2 and L3 of the saved Adopted Local Plan.

Statutory Determination Period

8 week statutory determination period expires on the 4th April.

Site Details

The application site comprises a large domestic garden and dwelling accessed from Sladnor Park Road. It forms part of a small group of similar suburban style properties laid out in spacious plots which merges with the post war ribbon development along the Teignmouth Road.

The existing dwelling is substantial and the garden very large. This is typical of many properties around the Maidencombe area.

Allways, which won approval for the inclusion of an additional dwelling within its garden in 2012, is sited next door and the existing dwelling on the site is located some 2-3 metres from the south eastern boundary of the application site.

The garden is relatively level and is defined by mature hedgerows and sporadic tree growth.

Detailed Proposals

The application proposes the construction of a large single storey 4 bed domestic dwelling with a new vehicular access onto Sladnor Park Road. It aims to achieve level 5 in the Code for Sustainable Homes.

Summary Of Consultation Responses

Highways Have no objection to the proposal subject to an acceptable visibility splay being achieved.

Summary Of Representations

None

Relevant Planning History

P/2012/0743: New Dwelling in grounds of Allways, Teignmouth Road: approved contrary to Officer advice.

P/2013/0979: New dwelling in the grounds of Pine Lodge: Refused

There is a long history of applications for dwellings within domestic gardens within the Maidencombe area. These have been consistently refused primarily as they are contrary to Local Plan policy L4 which resists sporadic residential development within the defined Countryside Zone. Appeals have been routinely dismissed due to non compliance with the adopted local Plan.

These are:

P/2008/0121: The Barn Teignmouth Road: Additional dwelling Refused as contrary to policy, overdevelopment, highways and impact on trees. Appeal dismissed.

P/2005/0936: Langley Manor Teignmouth Road: Additional dwelling: Refused as contrary to policy and highways. Appeal dismissed.

P/2004/1578: Curtilage of Combe Mount Teignmouth Road: Additional dwelling: Refused as contrary to policy, highways and residential amenity. Appeal dismissed.

P/2004/1351: Land curtilage of West Winds Teignmouth Road: Additional dwelling: refused as contrary to policy: Appeal dismissed.

P/2003/0754: Brantfell Ridge Road: Additional dwelling: Refused as contrary to policy and impact on landscape character. Appeal dismissed.

Key Issues/Material Considerations

The key issues are design and the location of the dwelling within the defined Countryside Zone.

The design of the proposed dwelling has been much improved. It now comprises a single storey 'sunken' structure with a green roof which sits comfortably within the landscape character of the site.

The structure is screened from view by the reinforced boundary planting and the construction of an earth bank along its northern boundary. It is to be constructed of recessive 'garden' materials such as stone and timber. It is designed to achieve a level 5 in the Code for Sustainable Homes and waste water and

surface water are dealt with in a sustainable manner.

The landscape proposals aim to improve the biodiversity of the site by the creation of new habitats for wildlife.

The low level and character of design ensures that there will be little impact on the wider landscape character of the area. No trees of value are affected.

However, it still represents a new dwelling in the countryside zone which is contrary to local plan policies. The improvement to the design and sustainable construction of the dwelling does not overcome these policy objections.

The Local Plan is quite clear in seeking to resist residential development within the defined countryside zone unless it meets strict criteria.

Policy L4 only allows dwellings for which there is a proven agricultural need and infill development within the existing areas of settlement.

The justification to the policy makes it clear that new residential development would only be considered acceptable within the existing village settlements. In this case, within the boundaries of Maidencombe village.

The reasons for this are that such development, outside village boundaries, will alter the face of the countryside by creating sprawl that will ultimately erode its open, rural character and lead to merging of existing settlements. The guidance makes it clear that new homes should be located in the existing urban area which is a more sustainable option due to the proximity of shops and services.

It cannot be argued that Sladnor Park Road, which is a small suburban estate of post war dwellings qualifies as an existing village settlement. It more properly forms part of the sporadic post war ribbon development that occupies both sides of Teignmouth Road for most of its length between the outskirts of Torquay and the boundary with the neighbouring authority.

This ambition to protect the character of the countryside is picked up in the NPPF policy 55 which suggests; similarly that new development within existing villages may be acceptable to support services but that new isolated homes in the countryside zone should be avoided.

If a design is truly outstanding or innovative or reflects the highest standards in architecture or significantly enhances its setting and is sensitive to the defining characteristics of the area, Paragraph 55 of the NPPF does allow an exception to be made. However, this is aimed at exemplar schemes of national significance as is clear from the guidance that was contained in the precursor to the NPPF, PPS7 'Sustainable Development and the Rural Economy'. It is not intended to provide a route to populating the countryside with new dwellings simply by

improving design quality.

The Maidencombe area is predominantly rural and characterised by large properties, often fringing through routes, many of which have large expansive gardens, and many of which could, in functional terms, easily accommodate new houses.

That this has not happened is largely due to the local plan designation which has successfully acted to prevent inappropriate new dwellings which cumulatively would have had a profound effect on the rural character of the area.

It is necessary to apply this policy consistently if the protection of the countryside character is to continue. The fact that this building will not be readily visible from any public vantage points is immaterial in terms of the rationale of the policy.

Decisions that set the policy framework aside for no good reason will create a precedent for new residential development within garden plots throughout the area that will ultimately erode its special, open character.

Applications for 2 new dwellings at Rock House, Rock House Lane were approved by DMC at the September 2013 meeting. Their location in the countryside zone renders them contrary to established policy however, an exception was argued as the dwellings would replace existing structures within the grounds of the plot, and profit from the sale of the dwellings will be secured through a S106 agreement for restoration of Rock House. As a Grade II listed building, in a poor state of repair, this can qualify as 'enabling development' which allows, under guidance in the NPPF, the relevant policies to be set aside.

If this application is allowed, in the absence of any material reason to set aside the policy, it will make it difficult to defend similar applications for infill development in the plots that range along this part of Teignmouth Road and beyond.

This will result in the more open character of development which does exist being eroded and the boundaries between urban Torquay and its more rural hinterland will become increasingly blurred.

Thus, in policy terms the creation of a new dwelling in this location is contrary to policy L4, L2 and L3 of the Adopted Local Plan.

S106/CIL -

Based on the SPD the scheme should deliver £50 waste, £3610 sustainable transport, £470 Lifelong learning and £2370 Greenspace contributions. The applicants have agreed that in the event of approval being secured, they would meet this obligation via a Unilateral Obligation before the expiry of the 8 week date.

Conclusions

Great efforts have been made to reduce the impact of this dwelling on the landscape character of the area through good design and landscaping. In terms of sustainability, the aim is to deliver a dwelling which achieves level 5 in the Code for Sustainable Homes. These efforts are admirable.

However, due to its location within the defined Countryside Zone the scheme is contrary to Local Plan policy L4 and new dwellings are precluded unless within existing settlements or for proven agricultural need.

Similar applications over recent years have been consistently refused due to the failure to conform to Local Plan policies in relation to the location of new homes in the countryside and the impact that such development will have on the protected landscape character of the area.

Many of these cases have been tested on appeal and dismissed.

Members considered that in relation to Allways an application to construct a dwelling within the Countryside zone was acceptable despite the objectives of policy L4.

Whilst that dwelling does not adversely affect the applicant's amenity, it is in close proximity to their property and does affect their views across open countryside.

The applicant, considers they have been dealt a 'double whammy' in that they are to some degree affected by the adjacent development yet not able to carry out an altogether more discrete and better designed scheme.

It is necessary however to be diligent about professional policy based recommendations, which accounts for the Officer recommendation.

Recommendation

That Planning permission should be refused for the following reasons:

1. The site is within a defined countryside zone where protecting rural character is an identified priority. Policy L4 of the Saved Adopted Local Plan indicates that new dwellings are only permissible within existing settlements or where there is a proven agricultural need. The inclusion of an additional dwelling in this domestic garden outside a defined settlement would be contrary to this policy and result in a more urbanised character of development which would act to erode the sporadic, more spaciouly laid out 'ribbon' form of development along Teignmouth Road and in the wider L4 area.

It would also make it more difficult to resist similar infill schemes which would

cumulatively erode the open rural character of the area and act to blur the distinction between urban Torquay and the more rural hinterland.

This would be harmful to the special landscape character of the Area of Great Landscape Value and Coastal Preservation Area. As such the proposal is contrary to policies L4 L2 and L3 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

- H9 Layout, and design and community aspects
- H10 Housing densities
- BES Built environment strategy
- BE1 Design of new development
- L8 Protection of hedgerows, woodlands
- L9 Planting and retention of trees
- L4 Countryside Zones
- L2 Areas of Great Landscape Value
- L3 Coastal Protection Areas
- T26 Access from development onto the highway