

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 4 JULY 2017

REPORT OF: Site Inspection Team – Chairman and Vice Chairman and Councillors Clarence, Golder (for Fusco), Nutley (for Keeling), Pilkington, Prowse

DATE OF SITE INSPECTION: 22 JUNE 2017

Apologies: Councillors Austen, Keeling and Winsor

Application DAWLISH - 17/00410/FUL - Sol-y-Mar, Windward Lane - Retention of side dormer extension (Ward Members Cllrs Clemens and Prowse)

Also present: Councillor Clemens

Purpose of Site Inspection: To assess the effect of the extension on the amenities of neighbours particularly with regards to dominance, overlooking and loss of privacy.

The report of the Business Manager circulated with the agenda for the meeting of the Committee on 13 June is appended for ease of reference.

The site inspection team viewed the extension from the garden of the application site, and also viewed the neighbouring gardens and houses from within the extension. The front dormer window overlooking 5 Windward Rise is an opening clear glass window. The three windows in the side elevation facing properties 35, 37 and 39 Windward Lane are fixed shut. The two serving the dressing room and en-suite are obscure glazed. The third which serves the bedroom is not obscure glazed but has an obscure patterned removable film on the inside of the window.

Members viewed the extension from the gardens of 5 Windward Rise, and 35, 37 and 39 Windward Lane.

The Applicant's agent had submitted plans detailing how the extension could be altered to render it compliant with the volume allowance of Permitted Development Rights (PDR). It was noted however, that there was now no PDR on the property because an extension much larger than that permitted under PDR has been constructed. The entire extension is unlawful and planning permission is required for any amount of the extension remaining following any part removal.

TEIGNBRIDGE DISTRICT COUNCIL

The volume of the extension is 84.3 cubic metres. 50 cubic metres is allowed under PDR.

Six members of the site inspection team considered it unreasonable to request the removal of any part of the extension, on the grounds that: the distance between the front window and 5 Windward Rise is a distance in excess of 25 metres; and the windows facing 35 – 39 Windward Lane are either obscured glazed or have an obscured glazed film on the glass. One member considered the extension unacceptable for the reasons outlined in the appended report of the Business Manager.

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 13 June 2017

REPORT OF: Business Manager – Strategic Place

ITEM: 5.

CASE OFFICER Claire Boobier

APPLICATION FOR CONSIDERATION: DAWLISH - 17/00410/FUL - Sol-y-Mar, Windward Lane - Retention of side dormer extension

APPLICANT: Mrs L Hagan

WARD MEMBERS: Councillors Clemens and Prowse, Dawlish South West

1. REASON FOR REPORT

Councillor Prowse submitted a request for the case to be referred to Planning Committee for decision if the Case Officer is recommending approval because the development results in an over development of the site, is of poor design and out of keeping with the area.

However Councillor Prowse has subsequently requested that the application be referred to Planning Committee for decision regardless of the Case Officer recommendation.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

The side dormer extension results in an overdevelopment of the existing property which, as a result of its scale and massing, results in an unacceptable overbearing impact and an unacceptable level of overlooking/loss of privacy to the occupiers of 35-39 Windward Lane and also results in an unacceptable level of overlooking/loss of privacy to the occupiers of 5 Windward Rise to the detriment of their residential amenity. The proposal is therefore contrary to Policies S1A, S1 (e), S2 and WE8 (c) of the Teignbridge Local Plan 2013-2033 and guidance contained in the National Planning Policy Framework.

3. DESCRIPTION

- 3.1 Sol-Y-Mar is a detached residential property which sits outside of any conservation area and abuts but is not within the designated Undeveloped Coast.

- 3.2 It is reported in the application submission that the applicant considered that the dormer fell within permitted development allowances measuring the extension as having an internal measurement of less than 50 cubic metres, however once built it was discovered that the dormer measurement should have been taken as an external measurement and she was advised that planning permission would be required. The applicant has submitted this application to seek to regularise the matter.
- 3.3 Planning consent is sought for the retention of the side dormer extension as built.
- 3.4 The extension as built provides a bedroom, bathroom and dressing room.

Principle of the development/sustainability

- 3.5 The application site is located outside of any settlement limit as depicted in the Local Plan and therefore Policy S22 is applicable. This policy supports, in principle, alterations and extensions to existing dwellings. Policies S1A, S1 and WE8 are also relevant and these are permissive of extensions and alterations to existing residential properties, subject to policy criteria being met. Thus, the principle of development in this location can be acceptable, subject to compliance with the criteria of these policies which will be discussed below:

Impact upon the character and visual amenity of the area

- 3.6 In assessing the design of the proposal the existing building, street character and materials should be taken into consideration to ensure that the proposal harmonises with the existing development.
- 3.7 The proposal adds a large dormer which is considered, due to its scale and massing, to appear as an overly bulky extension which dominates the host dwelling. The roof extension has not been designed in a manner which allows the dormer to appear as a sympathetic and subservient addition to the property. As a result the development fails to integrate with or enhance the character of the adjoining built environment as required by Policy S2 of the Local Plan.
- 3.8 The materials used for the dormer are compatible with the host dwelling.

Impact on residential amenity of the occupiers of surrounding properties.

- 3.9 Having visited 35-39 Windward Lane and 5 Windward Rise it is considered that the dormer extension, as built, has an overbearing impact on 35-39 Windward Lane due to the scale and massing of the dormer and proximity of Sol-y-mar to the boundary with these properties. The dormer extension as a result appears overly dominant when viewed from the rear of 35-39 Windward Lane and has a strong overbearing impact, particularly when viewed from the garden of 37 Windward Lane.
- 3.10 The ensuite bathroom window and dressing room window facing these properties are obscure glazed and fixed shut and therefore no overlooking concerns are caused by these windows.

- 3.11 However, the bedroom window facing 35-39 Windward Lane, whilst fixed shut, has only partial obscure glazing in a waved pattern. Having visited Sol-y-mar and had the benefit of seeing first-hand the amount of overlooking possible from this dormer window it is not considered that the waved pattern applied to the window is sufficient to overcome overlooking/loss of privacy to the occupiers of 35-39 Windward Lane. The Case Officer was able to have clear view into their gardens and rear of their properties despite the waved pattern applied to the window as the window is still partly clear-glazed. The amount of overlooking/loss of privacy to 35-39 Windward Lane is considered unacceptable and to the detriment of the residential amenity of the occupiers of 35-39 Windward Lane.
- 3.12 Furthermore, having visited 5 Windward Rise which has all its living accommodation on the side of the property facing Sol-y-mar, the secondary smaller window serving the bedroom creates the perception of overlooking/loss of privacy when in the living accommodation and garden of 5 Windward Rise to the detriment of their residential amenity. It is considered that overlooking to this property is likewise unacceptable and that this impact is made greater by the fact that the smaller bedroom window in the dormer is designed as an escape window and is therefore not fixed shut. The window could therefore be opened which would increase the perception of overlooking at 5 Windward Rise.

Impact on ecology

- 3.13 At time of application, the dormer the subject of this application had been built. Therefore regrettably any bats which were using the roof space would have already been disturbed.
- 3.14 In these circumstances, a bat survey was not required.

Fall-back position

- 3.15 The applicant's agent has suggested that their fall-back position would be to reduce the extension to fit within the permitted development allowances. This would likely be achieved through the loss of the ensuite bathroom area and ensuring that the larger bedroom window facing 35-39 Windward Lane is obscure glazed. This in their opinion will not overcome the overlooking concerns and concerns with regard to the extension being overbearing on neighbours.
- 3.16 Whilst it is recognised that this option is available to the applicant this does not provide justification for supporting an extension which is beyond the limits of permitted development allowances where there is identified harm to the residential amenity of neighbours.

Conclusion

- 3.17 Refusal is recommended on the grounds that the dormer as built results in an overdevelopment of the property which has an overbearing impact to neighbouring occupiers and results in an unacceptable level of overlooking/loss of privacy to neighbours.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

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

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

Four letters of objection have been received raising the following summarised concerns (see file for full representations):

1. Overlooking/loss of privacy of 5 Windward Rise from bedroom window facing this property;
2. Dormer is twice volume permitted under GPDO;
3. Overlooking/loss of privacy to the occupiers of 35-39 Windward Lane;
4. When the property was originally built in 1980 (79/02331/REM) planning records indicate that the original design was refused by Planning Officer because it was poorly designed and out of keeping with the area. Permission was only granted on redesigning to acknowledge the community and environment;
5. Development is a complete overdevelopment and inconsistent with surrounding properties;
6. Development is too large;
7. Development has an overbearing impact on 37 Windward Lane.

Following the expiry of the consultation period, the case officer noted on visiting the site that the windows as installed in the dormer did not reflect those detailed on the plans submitted, a revised plan was requested from the agent to show the windows as built which was received. It was not considered necessary to re-consult on this amendment as neighbours are able to see and comment on the dormer as built and therefore have not been hindered in providing their comments due to this error with the window type/scale shown on the plans not reflecting the windows installed in the dormer.

7. TOWN COUNCIL'S COMMENTS

Resolved by the majority of Members present and voting that this Council recommends refusal of this application as it is overdevelopment, overbearing in nature and will have an intrusive impact on property numbers 35, 37 and 39.

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.

APPENDIX

