

Ward Sidmouth Town

Reference 20/0652/FUL

Applicant Lily and Violeta Lunan

Location 6 Willoughby House Peak Hill Road Sidmouth EX10 0NW

Proposal Proposed Terrace, Access bridge and balustrade. Alteration and new Door and new rooflights to north elevation.



RECOMMENDATION: Approval with conditions

Crown Copyright and database rights 2020 Ordnance Survey 100023746



		Committee Date: 9th September 2020
Sidmouth Town (Sidmouth)	20/0652/FUL	Target Date: 27.05.2020
Applicant:	Lily and Violeta Lunan	
Location:	6 Willoughby House Peak Hill Road	
Proposal:	Proposed Terrace, Access bridge and balustrade. Alteration and new Door and new roof lights to north elevation.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Committee as the officer recommendation differs to the view of a ward member.

Willoughby House is a large and visually prominent building, sub-divided into six apartments, located on the higher slopes of Peak Hill within the countryside to the west of Sidmouth within the designated Area of Outstanding Natural Beauty (AONB) and Coastal Preservation Area (CPA). It features an attractive original three storey core with a particularly distinctive flint-faced principal east-facing elevation incorporating a pair of full height gables and two storey bays, featuring stone mullioned and transomed windows, with later less sympathetic single and two storey side extensions.

The application scheme proposes alterations to the building to create a privacy-screened roof terrace on part of the roof of the two storey northern extension for the occupants of one of the apartments at second floor level, along with a balustraded walkway and bridge to access a steeply sloping garden to the rear. Ancillary alterations, in the form of the installation of a pair of access doors to the terrace and walkway in the north elevation of the original building, are also proposed, together with further alterations involving the provision of a pair of Juliet balconies along second floor level windows in the principal elevation above the bay elements and the installation of a pair of roof lights in the north elevation to provide extra light to the living room and kitchen.

Whilst the concerns raised by the town council, ward member and interested third party are duly acknowledged, it is not considered that they amount to sustainable grounds upon which to resist the proposals, which have since been amended through officer negotiation to increase the height of the proposed privacy

screening to the roof terrace from 1.5 metres, as originally proposed, to 1.75 metres.

Although prominent in medium and longer distance views, the building is not readily visible within the public domain from critical close range view. As such, and given the extent to which its character and appearance have already been compromised by the extensions that have been added, it is not considered that this would be further detrimentally affected by the proposed development or that it would detract from the scenic or landscape qualities of the wider AONB or CPA.

Furthermore, it is thought that the negotiated revisions to the height of the roof terrace screening would protect the privacy of the neighbouring occupier(s) at Harmonie to a sufficient level that objection on the grounds of an adverse privacy/amenity impact could be reasonably justified. This is also considered to apply in relation to the other elements of the scheme, including the walkway and bridge, especially given the existing level of overlooking that is available from the garden and the narrow width of these parts of the scheme that could not reasonably facilitate any use other than for access purposes.

Approval is therefore recommended subject to a condition to ensure that the privacy screening for the proposed roof terrace is provided prior to use and thereafter maintained in perpetuity.

CONSULTATIONS

Local Consultations

Parish/Town Council (Original plans)

UNABLE TO SUPPORT

- o The development would have a harmful effect on the visual impact of the local area being part of the ANOB and near the coastal path.
- o The development would conflict with Strategy 46 of the local plan.
- o The development would conflict with neighbourhood plan Policy 6 Infill Development, Extensions and Trees: Development should be designed so as not to adversely impact on the amenities of its neighbours.

Parish/Town Council (Amended plans)

UNABLE TO SUPPORT

- o The development would have a harmful effect on the visual impact of the local area being part of the AONB and near the coastal path.
- o The development would conflict with Strategy 46 of the local plan.
- o The development would conflict with neighbourhood plan Policy 6 Infill Development, Extensions and Trees: Development should be designed so as not to adversely impact on the amenities of its neighbours.
- o East Devon Local Plan strategy 23.2 Flat conversions can often have undesirable effects such as external stairways etc. that can damage the character and amenity of the area.

o Neighbourhood Plan Policy 7 Local Distinctiveness. Development proposals will be expected to have regard to the character of the immediate area ... reflecting the height, scale, massing, fenestration, materials, landscaping etc.

Sidmouth Town - Cllr Cathy Gardner (Original plans; no comments received re. amended plans)

I wish to object to planning application 20/0652/FUL, Extension at flat 6 Willoughby House on the following grounds:

Overlooking with loss of privacy and amenity for neighbours.
Impact of proposals on the overall design and appearance of the building.

The additional of any windows into a previously blank wall should be resisted given the impact on sight lines that will result. The original extension did give regard to the potential impact on neighbours from overlooking. Any terrace at that elevation is also likely to have a detrimental impact. Careful consideration should be given to the impact on Harmonie, which may not be completely evident from the plans, due to the lie of the land and orientation of the properties.

Technical Consultations

EDDC Trees

I have no objection on arboricultural grounds.

Other Representations

Representations of objection have been received in relation to both the original and amended plans from the occupier of Harmonie. A 'neutral' representation has also been received from the Chairman of the management company of Willoughby House.

Summary of Grounds of Objection

1. Overlooking from proposed terrace and bridge causing loss of privacy and amenity to house and garden; to provide sufficient privacy, screens for the terrace and bridge would have to be solid and a minimum of 2 metres high.
2. Bridge and terrace will be visible from Peak Hill Road, raising security concerns and the risk of inviting criminal activity.
3. Extension is outside of permitted development boundary and is inconsistent with the character of the original Victorian villa.
4. Contrary to design principles set out in paragraphs 124, 127 and 128 of the NPPF, the preamble to Policy H3 at paragraph 23.3 of the Local Plan in relation to undesirable external staircases that can damage the area's character and amenity and Neighbourhood Plan Policies 6 (Infill Development, Extensions and Trees) and 7 (Local Distinction).

Summary of Other Comments

1. Two elements to approval process; planning, and grant of permission as freeholders in accordance with the terms of leases.
2. Permission would require leases to be redrawn as flat roof area over which development would be constructed would need to form part of the demised premises of flat 6 and the owners to take full responsibility for future repairs and maintenance.

3. Would wish to have the comfort of a structural survey to confirm that load bearing capacity of existing structure can viably support the proposed development and sound and vibration transmission can be appropriately mitigated.
4. Wish for a new covenant to be drawn up to govern the number of persons permitted onto the roof terrace at any time and to prevent barbeques, as per the existing lease arrangements.
5. Aesthetically, the proposed structure would benefit the property if the balustrade could be extended the entire length of the front elevation of the flat-roofed extension, possibly without extending the terrace so as to show the neighbours some consideration.
6. No objection provided that details of these stipulations can be provided for agreement and/or form conditions of planning permission.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies Strategy 7 (Development in the Countryside)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

Made Sid Valley Neighbourhood Plan 2018-2032 Policies 1 (Sid Valley Development Principles)

6 (Infill Development, Extensions and Trees)

7 (Local Distinctiveness)

Government Planning Documents NPPF (National Planning Policy Framework 2019)

Relevant Planning History

There is no previous history relating to Willoughby House that is material to consideration of the current application proposals.

Site Location and Description

Willoughby House is a detached property, sub-divided into six apartments, that occupies an elevated hillside position on Peak Hill within the countryside to the west of the built-up area of Sidmouth. It is within the designated East Devon Area of Outstanding Beauty (AONB) and Coastal Preservation Area (CPA).

Along with a neighbouring residential property to the north, Harmonie, it is served by a shared private driveway off Peak Hill Road.

The building comprises an attractive original three storey core with rather unsympathetic later single and two storey additions to its south and north respectively. The original section features a pair of gable projections with two storey bays to either side of a centrally-positioned entrance porch to the east-facing principal elevation. This aspect of the building is of particularly well-proportioned and symmetrical appearance and incorporates elements of character and distinctiveness in the form of stone mullions and transoms and arched top lights to the ground and first floor level windows, including those on the bays, an arched entrance doorway in the porch with arch-headed window lights to either side under a gable feature with barge boards (which enhance what is otherwise a simple lean-to element) and projecting roof verges with barge boards with exposed purlins underneath the main slate roof.

The openings within the gables at second floor level are different to those below and appear to possibly be the result of more recent alterations. They are full height and contain glazed doors that provide access to the bay roofs.

However, this elevation belies the comparative ordinariness of the remainder of this part of the building, both architecturally and visually, together with the fact that the other three elevations are finished in face brick.

The additions to either side of the building represent a stark contrast, too, with elements such as flat roofs, painted roughcast render wall finishes, larger oblong windows with less sub-division and a lack of detailing of any visual or architectural interest.

Owing to its elevated position, the building is prominent in views from Peak Hill Road when ascending the hill from the town as well as from more distant views from other parts of the town such as the Esplanade and Salcombe Hill. From these the obviously taller three storey core and its flint wall finish tend to stand out visually from the mediocre extensions to either side.

The site is cut into the hillside, as evidenced by the fact that the building backs onto a steep landscaped bank that is almost two storeys in height, at the top of which is the site boundary with Peak Hill Road where it climbs/descends the steepest part of the hill through woodland.

The application proposal in this case relates to no. 6, the northern of the two apartments at second floor level, and the roof of the later two storey extension. This is itself formed in three distinct parts. The front section is squarer in section, and projects further from the side of the original part of the building, than the central and rear sections. Although both project off the side of the building by the same distance, the rear section incorporates a slightly higher roof and extends beyond the rear wall of the main building. Flights of steps provide access alongside this part of the building to the steep landscaped garden to the rear.

Proposed Development

The scheme involves four principal elements as follows:

1. The creation of a roof terrace on the front section of the flat roof of the northern two storey extension together with the construction of a glazed front balustrade and privacy screening around the other two sides and ancillary alterations to form a new door to provide access to the terrace from the living room within the apartment.
2. The construction of a timber balustraded walkway and bridge along and beyond the rear section of the same extension, again with ancillary alterations to enlarge an existing full height bedroom window to create a doorway, to provide a connecting walkway, at second floor level, between the flat and the rear garden. This is proposed to create more convenient access between the apartment and the garden.
3. The introduction of glazed juliet balconies across both of the second floor level windows/doors in the principal elevation. These are proposed to provide greater safety when the doors are open.
4. The installation of 2no roof lights in the north elevation of the roof over the northern gable to serve the kitchen and living room areas.

The details, which have been the subject of negotiation, show 1.75 metre high 'hit and miss' timber boarding to form the proposed privacy screen for the terrace along its northern and western sides. The glazed front balustrade would however be of a lower height of around 1.2 metres to enable retention of the widespread views of the town, coastline and valley that the site enjoys.

The timber balustrading to the walkway and bridge would be of a similar height, although not of 'hit and miss' design, as would the glazed Juliet balconies.

It is intended that the timber be left untreated throughout so as to 'silver' over time.

Considerations/Assessment

The principal issues that are material to consideration of the proposal, particularly in the light of the comments made by the town council, ward member and interested third party, relate to the impact of the proposed development upon the character and appearance of the building and the surrounding area and the impact upon the living conditions of the occupiers of the neighbouring property, Harmonie, mainly with regard to privacy.

Visual Impact

There is an acceptance that the introduction of timber screening and balustrading at an elevated level of the building has the potential to be visually damaging to its character and appearance, as well as that of the wider AONB and CPA, not least on account of the already elevated position of the site within the landscaped setting of the town.

However, it is considered that the level of impact in this case would be mitigated by a number of key factors.

First, in spite of the visual prominence of the building from certain vantage points, closer views that are available of the front elevation of the building from the public domain are limited to medium distance from Peak Hill Road and glimpses from Cotmaton Road. Whilst the very southern end of the course at Sidmouth Golf Club lies in closer proximity to the site than these, it cannot be considered to constitute a point of public vantage. As such, it is thought that the impact of the proposed development, in the form of all of the various elements, would be diminished.

Moreover, this is all the more so when considered alongside the fact that the treatment of the 'front' of the proposed roof terrace balustrading would comprise glazing of a lower height than the proposed timber screens to the side and rear which would only largely present a leading edge and be set back from the front of the terrace respectively.

Furthermore, the site is set down sufficiently below the level of the steepest section of Peak Hill Road and screened from it by a combination of a roadside bank and mature trees as to prevent the likelihood of the proposed terrace screening, walkway and bridge being readily visible to pedestrians. Indeed, any such limited glimpsed views that are available would clearly look down on to the development and would be seen in the context of the flat roofs of the northern extension to the building, which it is thought already appear visually incongruous alongside the original core of the building. In such circumstances therefore, it is felt that the development would not result in any additional harm to the character or appearance of either the building or the area.

The building is not listed as being of special architectural or historic interest or located within any designated conservation area. Indeed, the existing building has already been compromised to some extent by the addition of the side extensions which exhibit a largely unsympathetic form, character and appearance in relation to the original building and it is not thought that this would be further detrimentally impacted by the scheme.

Equally, while it is acknowledged that AONBs carry the highest level of protection in relation to scenic and landscape beauty, as conferred by the National Planning Policy Framework (NPPF) and reinforced by the provisions of Strategy 46 of the Local Plan, it is not considered that this would be unduly adversely affected as a result of the proposed development on account of the balance of the above material issues.

Impact upon Privacy

Turning to the impact upon the privacy of the occupier(s) of Harmonie, the scheme as originally submitted proposed timber privacy screening of a height of 1.5 metres along the northern and western sides of the roof terrace. However, this was considered by officers to be insufficient to prevent the potential for an overlooking impact upon terrace and garden within this property to be avoided. As such, the height of the screening was increased to 1.75 metres.

This height is now considered to be sufficient to prevent any such impact, more especially in view of the considerably elevated position of the proposed terrace in relation to the terrace and garden of Harmonie from which any views towards the

terrace would clearly be upwards, thereby accentuating the effectiveness of the proposed screening.

A height of 1.75 metres for the screening is also thought to be consistent when considered against the 'standard' of visibility at 1.7 metres height, without the need for obscuration or fixing, set out in the relevant provisions of the Town and Country Planning (General Permitted Development) Order in relation to the limitations and conditions placed upon the installation of side-facing windows above ground floor level. This is deemed sufficient to avoid any material impact upon neighbour privacy and amenity. As such therefore, screening of a height above this - as is proposed in this case - is felt to be equally acceptable.

While it is accepted that the lower height proposed for the front glazed balustrade could facilitate a degree of overlooking that could potentially result in some impact upon the privacy of the neighbouring occupiers, there are a couple of factors that it is thought should be weighed against this. First, the view that this balustrade would allow is essentially that of the town and coastline to the east and the Sid Valley and the 'tributary' valleys off of it to the north east. Secondly, in order to actively overlook the terrace and more neighbour sensitive part of the garden of Harmonie nearer to the property itself, it would be necessary to effectively look back, beyond ninety degrees, from the proposed terrace, which is less practical in reality.

The lower height of the proposed balustrading to the walkway and bridge is such that some overlooking of Harmonie would be unavoidable at such times as they are in use. However, as a matter of degree, it is not considered that the level of this impact would be materially harmful. Any person working in or otherwise enjoying the garden at present would have the benefit of an uninterrupted view of Harmonie and its garden. Whilst the proposed walkway and bridge could facilitate this to a greater extent, the likely reality is that the level of any such additional impact would not be so significant as to justify opposing the development on such grounds. The walkway and bridge would only be of a width that would allow for walking to and from the apartment and the garden and would not be designed for being used in the same way as the proposed roof terrace. Certainly, if they were, it is felt that there would be wholly justifiable overlooking/privacy concerns. However, since this is not intended or practical, it is not considered that these could reasonably be upheld.

Overall therefore, taking these factors into consideration, it is not thought that an objection on the grounds of an unacceptable overlooking/privacy impact upon the occupier(s) of Harmonie from the proposed development could be readily substantiated in the event of a refusal of permission on such grounds. In this regard, the same is also thought to apply in relation to the other elements of the scheme relating to the proposed Juliet balconies and roof lights.

Other Matters

Many of the stipulations made by the management company relate to matters that are largely beyond the remit of this application, such as the structural load bearing integrity of the existing flat-roofed extensions to accommodate the proposed screen, walkway and bridge and mitigation of vibration transmission, and cannot therefore be taken into

consideration in assessing the merits of the proposed development on Planning grounds.

In terms of the use(s) of the proposed roof terrace, there is no objection from a Planning perspective provided that it/they are for purposes related to the use and enjoyment of the apartment as such.

CONCLUSION

The application proposes change to the flat that will slightly alter the appearance of the building and have potential to overlook a neighbouring dwelling.

Whilst the creation of the balconies, privacy screens and introduction of larger door and rooflights will change the appearance of the building, this is not to an extent that will be harmful given that the building has already been extended in an unsympathetic way through the flat roofed side extensions.

The changes will be visible from mainly medium and longer views but are not in themselves harmful to the building or significant enough to cause harm to the wider area, AONB or Countryside Protection Area.

With regard to protecting privacy, the introduction of the privacy screen to the balcony area at 1.75m in height is sufficient to protect the amenity of the adjoining property, particularly in light of the existing mutual overlooking from the existing garden.

In light of the above the proposal is considered to be acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply 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 approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The roof terrace hereby permitted shall not be brought into use until the privacy screen (annotated '1750mm high hit and miss timber screen') shown on drawing nos. 278-4F and 278-5F has been constructed in full. It shall thereafter be retained in perpetuity.
(Reason - In the interests of safeguarding the privacy and amenities of the occupiers of the neighbouring residential property Harmonie in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

278-4F (amended)	Proposed Elevation	19.05.20
278-5F (amended)	Proposed Elevation	19.05.20
278-LOC	Location Plan	23.03.20
278-3D	Proposed Plans	Combined 23.03.20

List of Background Papers

Application file, consultations and policy documents referred to in the report.