

PLANNING APPLICATION OFFICERS REPORT



Application Number	20/00539/FUL	Item	01
Date Valid	17.04.2020	Ward	PLYMPTON ERLE
Site Address	15 Cherry Park Plymouth PL7 IPF		
Proposal	Loft conversion inc. rear dormer (retrospective) and change of dormer cladding colour; and front facing roof light		
Applicant	Mr B Crocker		
Application Type	Full Application		
Target Date	12.06.2020	Committee Date	18.06.2020
Extended Target Date	22.06.2020		
Decision Category	Service Director of SPI		
Case Officer	Mr Peter Lambert		
Recommendation	Refuse		



This planning application has been referred to the Planning Committee by the Service Director for Strategic Planning and Infrastructure for public interest reasons due to the unusual personal circumstances that have led to the applicant submitting the retrospective planning application.

1. Description of Site

15 Cherry Park is a semi-detached dwelling house in the Plympton Erle Ward. The property is located on a slight hill, with properties to the south sat incrementally higher, those to the north incrementally lower. The rear of the property faces a corner where Cherry Tree Lane meets Erle Gardens.

2. Proposal Description

Loft Conversion including rear dormer (retrospective) and change of dormer cladding colour; and front facing roof light. The dormer extends the width of the original dwelling and above the ridge

height of the dwelling by 300mm. Two windows are featured on the rear face of the dormer. The roof of the dormer encroaches into the chimney stack of the neighbouring dwelling.

3. Pre-application Enquiry

None (retrospective application).

4. Relevant Planning History

There is no planning history for 15 Cherry Park.

4.2 Surrounding Area which involve changes to roof profile

94/00627/FUL - 27 Cherry Park, PL7 1PF and 94/00626/FUL - 26 Cherry Park Plymouth PL7 1PF - Alterations to roof profile to form rooms in roof space including provision of dormer and other windows - Grant Conditionally

4.1 Recent Rear Dormer Cases

19/01612/FUL - 97A Foulston Avenue, PL5 1HN - Rear dormer - Refusal for the reason of incongruous and impact on character of the area.

17/01094/FUL - 4 Architect Way, PL5 1GZ - Rear dormer - Grant conditionally. Granted permission due to not being visible from the street scene.

5. Consultation Responses

None requested, none received.

6. Representations

- Eleven letters of representation were received. Two objecting to the development, nine in support of the development. Objections include:
- Inappropriate scale;
- Impact on character of the area;
- The risk of setting precedent for similar dormers;
- Effect on the roofline;
- The extension into the neighbouring dwelling;
- Failure to comply with Permitted Development*. Concerns raised over the fire resistance of the cladding.

*Please note, one Objector used the term 'Building Regulations'. The Officer spoke to the Objector via telephone and gained clarification that the Objector means Permitted Development.

Reasons given by members of the public supporting the development include:

- No impact on overall appearance of the area;
- Not considered to impact neighbours as gardens are well spaced at the back;
- Does not infringe upon eye line or property heights;
- The retrospective plans are a good compromise;
- The extension has been in-situ for some time and the change of colour will help blend the extension with the surrounding properties;
- The development does not look out of place, not noticeable from the front and with the rear overlooking a road.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with

the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019.

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

Other material considerations include the policies of the National Planning Policy Framework (NPPF); guidance in Planning Practice Guidance (PPG) and the National Design Guide 2019. Additionally, the following planning documents are also material considerations in the determination of the application:

Development Guidelines Supplementary Planning Document (SPD) First Review 2013.

Development Guidelines Supplementary Planning Document (SPD) 2019. The Plymouth and South West Devon Supplementary Planning Document (SPD) has been prepared by Plymouth City Council (PCC), South Hams District Council (SHDC) and West Devon Borough Council (WDDB) to amplify and give guidance on the implementation of the policies of the Plymouth and South West Devon Joint Local Plan (JLP). Public consultation on the SPD ended on 6 January 2020 and it is currently anticipated that the plan will be formally adopted in July 2020. Full weight appropriate to an SPD cannot be given until its formal adoption, although given that the SPD is at an advanced stage it may be appropriate to give its provisions limited weight until then, especially where they have not been subject to objections.

8. Analysis

1. This application has been considered in the context of the development plan, the Framework and other material policy documents as set out in Section 7. The application turns upon policies DEVI (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019); and the National Planning Policy Framework 2019.

Design

2. Is the design in keeping? No
Is the scale subservient and/or appropriate? No
Do materials match or are they appropriate? No
3. Policy DEV20 of the Joint Local Plan states development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment through having proper regard to the pattern of local development and the wider development context and surroundings in terms siting, visual impact, scale, massing, height, and materials. Paragraph 127 of The National Planning Policy Framework 2019 seeks visually attractive design that is sympathetic to local character. Section C1 of the National Design Guide 2019 states new development should respond positively to the existing built development, including layout, form, scale, appearance, details, and materials. Section 11 states roofscapes form part of the local character and identity of a place.
4. Paragraph 2.2.55 of the Development Guidelines SPD states proposals for dormer windows will be considered on their impact on the dwelling, the street scene and neighbours' amenity; and that dormer windows should not dominate a building and should sit comfortably within the roof space. Paragraph 2.2.60 states where the rear of the building is very prominent, the design criteria of dormers will be stricter.
5. The dormer is higher than the original roof ridge height, visible to the front of the dwelling from Cherry Park. The dormer is visible from the rear along Cherry Tree Lane and upon approach from Erle Gardens. The highly visible siting of the proposal causes the dormer to have an impact on the street scene and be subject to stricter design criteria than those in other less prominent locations.
6. The dormer does not sit within the original roof space, rather, extends above the ridge height by 300mm and consumes the full width of the dwelling, with the roof edge overhanging into the chimney stack of the adjoined dwelling. The rear elevation of the dormer runs flush with the rear elevation. At present the eaves have been removed. Officers consider that the dormer does not sit comfortably within the roof space and is overly dominating on the original dwelling, contrary to paragraph 2.2.55. Further, Officers consider the scale of the dormer to un-balance the rear elevation of the adjoined semi-detached dwellings and cause a break in the rhythmic roofline of the properties along Cherry Park as viewed from Cherry Tree Lane and Erle Gardens.
7. The proposal seeks to mitigate the scale by re-instating the eaves on the rear elevation; and offering to plant a tree to the front of the dwelling to mask the ridge height. Officers consider the re-instatement of the eaves and planting of a tree to inadequately mitigate for the scale of the dormer.
8. Paragraph 2.2.56 states dormer windows should relate well to the building with respect to materials, scale, shape and angle of roof and that the front and sides of the dormer should be covered in a material that matches, or is in harmony with, that of the existing roof. The contemporary cladding of the dormer is not a common material of the area or the original dwelling. Therefore Officers consider the material to be out of keeping with the material palette of the local area.
9. The proposal seeks to change the cladding colour from white to brown to be more in-keeping with the area and help the dormer to blend into the material palette of the area.

Officers consider the change in cladding colour to be an improvement but not such that concerns relating to scale are overcome.

10. Paragraph 2.2.56 of the Development Guidelines SPD states the style and sub-division of dormer windows should relate to those that exist elsewhere on the building. Paragraph 2.2.18 states the positioning of windows is crucial to achieving a unified exterior. The windows of the proposal are of a different size and do not align with those of the main dwelling. As such, Officers consider the windows to detract from the aesthetic of the rear elevation of the dwelling and those of the wider street scene.
11. In summary, by virtue of its scale and siting on a highly visible rear elevation, Officers consider the design of the development to be over-dominating and incongruent to the character of the area, contrary to policy DEV20 of the Joint Local Plan; the Council's Development Guidelines SPD 2013 and draft Development Guidelines SPD 2019, the latter containing no significant changes that would lead Officers to draw a different conclusion; Paragraph 127 of the National Planning Policy Framework 2019; and sections CI and II of the National Design Guide 2019.

Amenity

12. Any significant change or intensification of use? No
Would there be adequate amenity space remaining? Yes
Any significant overlooking issues? No
Any significant loss of light? No
Any overbearing impacts created? Yes
Any other loss of amenity to neighbours? Yes
13. Policy DEVI of the Joint Local Plan states development proposals will be required to safeguard the health and the amenity of local communities by ensuring that new development provides for satisfactory outlook for both new and existing residents. Unacceptable impacts will be judged against the level of amenity generally in the locality.
14. Dormers are conventionally set back from the edges and have a height no greater than the original roof. Officers consider the third storey addition at 15 Cherry Park, with no set-back and an increase in roof height, to introduce an imposing and dominant building mass upon the neighbouring residential gardens such that the level of amenity and well-being experienced from the perspective of the those gardens is reduced, contrary to policy DEVI. Officers consider the impact on outlook to be augmented on the dwelling to the north due to the topography in the area causing the dwelling to the north to sit lower than 15 Cherry Park.

Other Impacts

15. The proposal seeks to rectify the section of roof currently overhanging into the chimney stack of the neighbouring dwelling. In light of the refusal herein, matters of encroachment must be dealt with separately and are beyond the scope of this report.

9. Human Rights

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.

10. Local Finance Considerations

There are no local finance considerations applicable to the proposal.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations not required due to the nature and size of proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal does not accord with policy and national guidance. Officers consider the design, scale and siting of the proposal to be overly dominating; incongruent to the street scene; and harmful to the amenity of neighbouring dwellings, contrary to policies DEV1 (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment) of the Joint Local Plan; the Council's retained Development Guidelines SPD 2013; paragraphs 127 of the National Planning Policy Framework 2019; and sections C1 and I1 of the National Design Guide 2019. The proposal is therefore recommended for refusal.

14. Recommendation

In respect of the application dated 17.04.2020 it is recommended to Refuse.

15. Conditions / Reasons

I REFUSAL: INCONGRUOUS AND IMPACT ON CHARACTER OF THE AREA LEADING TO AMENITY CONCERNS

The retrospective rear dormer (and proposed alterations), by virtue of its scale, design, and position on a visible roof line appears dominant, incongruent and out of character with the area leading to a reduction in the level of amenity of neighbouring dwellings, contrary to Policy DEV1 (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019); paragraphs 2.2.55, 2.2.56 and 2.2.60 of the Development Guidelines Supplementary Planning Document First Review (2013); sections C1 and I1 of the National Design Guide 2019; and paragraphs 127 of the National Planning Policy Framework 2019.

INFORMATIVES

I INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

2 INFORMATIVE: REFUSAL (NO NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

3 INFORMATIVE: SUPPORTING DOCUMENTS

The following supporting documents have been considered in relation to this application:

- Design Statement, received 22.04.2020