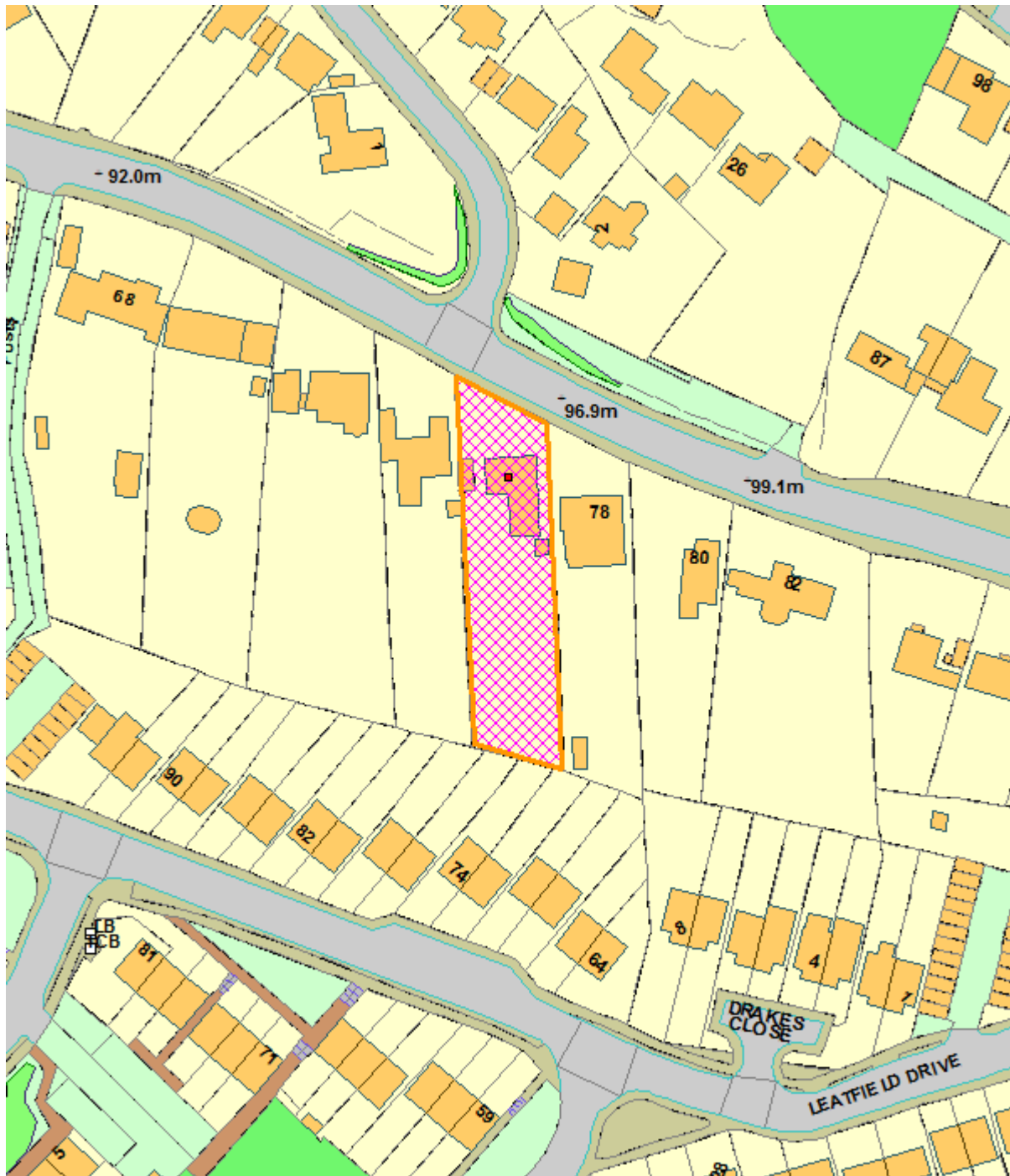


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/00425/FUL	<b>Item</b>	02
<b>Date Valid</b>	02.04.2020	<b>Ward</b>	BUDSHEAD
<b>Site Address</b>	76 Looseleigh Lane Plymouth PL6 5HH		
<b>Proposal</b>	Single storey rear extension with roof terrace		
<b>Applicant</b>	Mrs Edwards		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	28.05.2020	<b>Committee Date</b>	17.09.2020
<b>Extended Target Date</b>	18.09.2020		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Macauley Potter		
<b>Recommendation</b>	Grant Conditionally		



This planning application has been referred to the Planning Committee by Councillor Drear.

### **1. Description of Site**

76 Looseleigh Lane is a detached bungalow located in the Budshead Ward of Plymouth.

### **2. Proposal Description**

Single storey rear extension with roof terrace.

### **3. Pre-application Enquiry**

No pre application enquiry associated with this application.

### **4. Relevant Planning History**

91/01730/OUT - outline application to develop part of rear garden by demolition of garage and erection of detached 2/3 bedroomed bungalow – refused.

## **5. Consultation Responses**

Public Protection Service – have reviewed the application and have no comments to make.

Natural Infrastructure Team – have reviewed the application and have no comments to make.

## **6. Representations**

Two letters of representation have been received objecting on the grounds of:

- loss of privacy/overlooking
- noise and light pollution
- loss of natural light
- loss of outlook

## **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 on 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 (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) 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. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

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.

As a result of Government policies and guidance regarding lockdown due to Covid 19, the 2020 Housing Survey was delayed by approx. 2 months as site visits could not take place. The 2020 5YLS update is therefore delayed by 2 months and will now be published in September 2020. The impact from Covid 19 is likely to slightly reduce the supply identified for 2020/21 due to 2-3 months of limited/nil construction activity during lockdown. This however would not have the effect to result

in a material change to the JLP Authorities 5YLS position, given the substantial 5YLS position at the 2019 monitoring point i.e. 6.4YLS which represents a surplus of 1,977 deliverable dwellings above what is required over the period 2019-2024 to demonstrate a 5YLS.

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

- Plymouth & South West Devon Joint Local Plan 2014-2034: Supplementary Planning Document (Adopted July, 2020)

## **8. Analysis**

1 This application has been considered in the context of the development plan, Policies DEV1 (Protecting health and amenity), DEV20 (Place shaping and the quality of the built environment) and DEV25 (Nationally protected landscapes) of the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7. The material planning considerations are:

- design
- impact on privacy/outlook
- impact on sunlight levels

### **Site Context**

2 The properties along Looseleigh Lane are of various styles and finishes with the land gradient sloping downwards towards the north-west. The gardens are spacious and back onto a dense tree canopy towards the south. The adjacent neighbouring properties are no. 74 (to the west) and no. 78 (to the east). The curtilage of no. 74 is sited slightly lower than no. 76 and no. 78 is sited slightly higher than no. 76 and features its own rear balcony.

### **Design**

3 The application seeks consent for the construction of a single storey rear extension with roof terrace proposed to accommodate a kitchen diner on the lower ground floor level. The rear extension is proposed to replace a smaller flat roof extension currently as a kitchen which is accessible internally via a flight of stairs (as the property is split level). The rear extension dimensions are 6.1 metres for the width, 6 metres for the depth, 2.4 metres for the eaves/roof height and 4.6 metres for the total height (if including balcony privacy screen).

4 Access to and from the extension from the garden would be achieved via a set of patio doors on the lower ground floor rear elevation. Access internally can be achieved via a flight of stairs at the end of the ground floor level hallway. The proposed balcony terrace would be accessible via the lounge room. Natural light is provided in the extension via a single roof light above the kitchen and through a single large window on the west facing elevation. The material finish of the external walls as specified on the original drawing stated it would be smooth painted render to match existing along with a glass reinforced plastic flat roof system. The roof terrace would feature a decking overlay and glass panels for the balustrading.

5 When assessing the design, officers considered two areas: the design in isolation and the design in context. In isolation, the rear extension is considered to meet the guidance outlined in paragraph 13.45 of the Joint Local Plan: Supplementary Planning Document (JLP SPD) as it will remain sub-ordinate to the main dwelling and will not be visible from Looseleigh Lane or Leatfield Drive to the south. In considering the design context the extension balcony as first submitted officers considered it gave rise to substantial amenity issues in terms of the site topography and the positioning within the curtilage (see paragraphs 8 to 12 for specific amenity considerations). Therefore officers considered the design was contrary to paragraph 2 of policy DEV20 of the Joint Local Plan (JLP) which states that development should have proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density,

materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations”.

6 Following submission of revised plans which introduced privacy screening to the west elevation officers consider that the design context now accords with the JLP SPD. Officers therefore conclude that the proposed rear extension and balcony is acceptable from a design perspective for the reasons outlined above therefore complying with policy DEV20 of the JLP.

#### Amenity

7 The property line arrangement is that of a step-down feature due to the land topography forming part of the wider geography of the Tamar Area of Outstanding Natural Beauty (AONB). This results in a pattern of development where additional consideration must be given in instances where further proposed development introduces new lines of sight, blank elevations and habitable spaces (as detailed in policy DEV25 of the JLP). In this instance however the development is situated to the rear of the property and will not have an impact on the Tamar Valley AONB (note that the Council's Natural Infrastructure Officers have reviewed the application and have no comment to make).

8 Following a site visit to the application property on the 20th May, 2020 the officer had concerns regarding overlooking and privacy when looking onto the curtilage of no. 74. The existing step platform which currently enables access from the patio to the lounge, provides a line of sight onto the patio area and sloped grass section of no. 74. This viewpoint is partially obscured by a tree and neighbouring shed as the line of sight predominately passes through these obstacles. The officer considers that the balcony outlook would therefore result in a substantial reduction of privacy currently afforded to no. 74's external amenity space. This would be contrary to paragraph 1 of policy DEVI and the newly adopted JLP SPD wording: “13.22 Balconies and roof gardens can be unacceptable in higher density areas because of the impact they can have on the privacy of neighbours' gardens or habitable rooms. In assessing a proposal for a balcony or roof garden the degree of overlooking will be considered.”

9 In accordance with paragraph 38 of the NPPF officers sought revisions to the plans to install a 1.8 metre privacy screen on the western boundary which would effectively remove the line of sight issue associated with the current plans. A revised plan was submitted depicting the desired screening on the western boundary. It is the officer's' view that these changes reduce overlooking and therefore the development meets policy DEVI and DEV20 of the JLP. It is important to note that this is a consistent approach to balcony/roof terrace proposals along Looseleigh Lane as the same privacy screening condition (on the western boundary) was recommended to no. 78 Looseleigh Lane's balcony granted under application reference: 09/01809/FUL.

10 One letter of objection makes reference to loss of light. Officers consider that the extension will have no adverse impacts to sunlight levels for both no. 74 and 78. The extension height remains the same as the existing rear structure and the transparent balustrading will not block out unacceptable levels of sunlight and furthermore will not exceed the existing fence line between no. 76 and 78. It is noted that under the prior approval application process a rear extension can extend out 8 metres, have an eaves height of 2.5 metres and a total height of 4 metres and would therefore have more of an impact to the habitable secondary windows on the side elevation of no. 78 than what is currently proposed.

11 When applying the 45 degree guidance (as set out in paragraphs 13.31 and 13.34 of the JLP SPD) the extension is not found to be in breach and therefore will not cast a shadow onto the nearest neighbouring rear windows on either side of the application site.

12 Following submission of revised plans with proposed mitigation measures, officers conclude that the proposed rear extension and balcony is on balance acceptable from an amenity perspective for the reasons outlined above therefore complying with policy DEVI of the JLP.

#### Other Matters

A letter of representation makes reference to noise concerns, whilst this is not controllable through planning legislation (when applied to householder applications) such concerns should be referred to Environmental Health. Public Protection Service (PPS) have reviewed the application and have no comment to make. Please note that PPS were formally consulted following concerns raised through the original public consultation process.

#### **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**

N/A

#### **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**

Although not designed and constructed for the ease of vulnerable/disabled users/occupiers the development does not result in the hindrance of internal and external access in and around the property. The application has therefore 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 single storey rear extension with roof terrace accords with policy and national guidance in terms of design and residential amenity and therefore is an on-balance recommendation for approval.

#### **14. Recommendation**

In respect of the application dated 02.04.2020 it is recommended to Grant Conditionally.

#### **15. Conditions / Reasons**

The development hereby permitted shall be carried out in accordance with the following approved plans:

## **1 CONDITION: APPROVED PLANS**

Proposed Plans and Elevations P1012-02 Rev B received 21/08/20

Location and Site Plan- Existing Plans and Elevations P1012-01 - received 13/03/20

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

## **2 CONDITION: COMMENCE WITHIN 3 YEARS**

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

## **3 CONDITION: PRIVACY SCREENS**

### **PRE-OCCUPATION**

The 1 no 1.8 metre high obscure glass privacy screen located on the west facing side of the balcony (as detailed on drawing: P1012-02 REV B) shall be installed prior to first use of the roof terrace and shall remain in-situ thereafter. For the avoidance of doubt the glazing shall have an obscurity rating of not less than level 4.

Reason:

To ensure privacy is provided to the neighbouring property in accordance with Policy DEVI of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and Section 12 of the National Planning Policy Framework 2019.

## **INFORMATIVES**

### **1 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: CONDITIONAL APPROVAL (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 has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

### **3 INFORMATIVE: COUNCIL CODE OF PRACTICE**

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):

<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

### **4 INFORMATIVE: SUPPORTING DOCUMENTS**

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

- P1012-03 Visibility Plan (received 27th July)