

PLANNING APPLICATION OFFICERS REPORT



Application Number	20/00729/FUL	Item	03
Date Valid	04.06.2020	Ward	ST BUDEAUX
Site Address	8 Admiralty Road St Budeaux Plymouth PL5 1NJ		
Proposal	Part two-storey and part single storey rear extension and front extension.		
Applicant	Ms Claire Kelly		
Application Type	Full Application		
Target Date	30.07.2020	Committee Date	17.09.2020
Extended Target Date	18.09.2020		
Decision Category	Councillor Referral		
Case Officer	Miss Josephine Maddick		
Recommendation	Grant Conditionally		



This Planning application has been referred to planning committee by Cllr Winter.

1. Description of Site

The application property is a two-storey semi-detached dwellinghouse in the St Budeaux neighbourhood. The house has a long rear garden of over 20 metres that ends at a screen of trees and a cutting for the A38 trunk road close to the Tamar Bridge. At the front of the house is a large area of public greenspace.

2. Proposal Description

Two storey rear extension. The extension is 'L' shaped at ground floor. The ground floor extension would be 7 metres deep and 7.6 metres wide. The first floor would be 5 metres deep and 4.7 metres wide. Front extension with a depth of 1.26 metres and width of 6.07 metres

3. Pre-application Enquiry

There was no pre-application enquiry associated with this application.

4. Relevant Planning History

09/01048/FUL - Two-storey rear extension – grant conditionally

Planning consent not implemented. The ground floor extension measured 3.86 metres deep and 7.2 metres wide. The first floor would be 3.8 metres deep and 4.29 metres wide.

5. Consultation Responses

MOD – no objection, however recommendation for glass specification in accordance with traditional blast hazard mitigation measures.

6. Representations

Four objections:

Loss of privacy

Loss of light

Will look 'out of place'

Front extension not in keeping with street.

Set a precedent

Two supporting:

Will upgrade property

Positive affect on street

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 and South West Devon SPD (July 2020)

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 (WDBC) to amplify and give guidance on the implementation of the policies of the Plymouth and South West Devon Joint Local Plan (JLP). The SPD was formally adopted by all three councils in July 2020.

8. Analysis

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

2. The application turns upon policies DEV1 (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment) the aims of the JLP Supplementary Planning Document and the National Planning Policy Framework (NPPF) 2019. The primary planning considerations in this case are the impact on neighbour amenity and the impact upon the street scene and character of the area

3. Officers have negotiated with the applicant to make the proposal acceptable. There have been two revisions of the plans for the rear extension:

Initial proposal submitted on 26/05/2020

The ground floor extension measured 9.26 metres deep and 7.6 metres wide. The first floor measured 7.28 metres deep and 4.7 metres wide. Balcony measuring 9.2 sq metres at first floor.

1st amended design submitted on 02/07/2020

The ground floor extension measured 7 metres deep and 7.6 metres wide. The first floor measured 5 metres deep and 4.7 metres wide. Balcony omitted.

2nd Amended design submitted on 12/08/2020

The ground floor extension measured 7 metres deep and 7.6 metres wide. The first floor measured 5 metres deep and 4.7 metres wide. Part of the ground floor extension reduced from 4.2 to 3.8metres in depth and pitch of roof lowered. Balcony omitted.

The applicant has looked to amend the proposal in order to make the application acceptable and mitigate harm to nearby properties.

4. Design

A precedent was set within Admiralty road in 2017 when consent was issued for a larger two-storey rear extension at 10 Admiralty Road and number 8 had gained consent for a two-storey rear extension in 2006. Many of the properties have large ground floor rear extensions and the frontages vary in shape with various extensions that differ in render, style, size and colour. To summarise:

11 Admiralty Road – rear ground floor extension and front extension

10 Admiralty Road – larger two-storey rear extension

9 Admiralty Road – front extension

8 Admiralty Road – front extension

7 Admiralty Road – front extension and two storey rear extension

5. The design of the rear extension is big in scale, though it will not sit out of context to the existing nearby properties. The front extension is relatively larger than what the LPA would normally give consent for and officers have considered this element in detail in accordance with para 13.36 of the SPD. As other properties in the street have varied frontages of different shapes and sizes, the proposed front extension at no 8 will not sit out of context. It is tapered in at one end and only extends off the front elevation by a depth of 1.26 metres, which is relatively minor and will still leave plenty of amenity garden space within the front garden. The depth does not encroach on the 45 degree angle for the adjacent property.

6. Scale

The gardens along Admiralty Road are deep and can accommodate larger rear extensions. The rear extension will not be visible from the street scene and the house is elevated above the A road to the rear whereby the rear elevation will not be visible to the wider location. Adjacent and nearby neighbours will be able to see the larger extension, though no 10 has already made an impact and set a visual precedent and consequently a further extension of similar proportion will be appropriate.

7. Materials

The proposed materials are, render masonry, concrete tiles and UPVC. All materials are characteristic of a residential domestic property.

8. Amenity

The original footprint of the house is small measuring approximately 70 sq metres. The house has three bedrooms and a downstairs bathroom. The proposal will improve the accommodation offer providing two upstairs bathrooms and larger living space on the ground floor. The existing configuration is characteristic of the properties in the street and it is not unexpected that other home owners have taken the opportunity to extend by utilising the rear gardens. The rear garden is large and can accommodate the proposal, there will be adequate amenity space remaining.

9. Privacy

No side elevation windows are proposed on the first floor section of the extension, ensuring the development does not prejudice the privacy of neighbours. The Juliet balcony is a large opening on the rear elevation of the proposal. It will facilitate a closer view of the rear gardens, though is balanced in so far as, Juliet balcony users will not be able to look back at the rear elevations or look down towards the amenity area immediately near to back doors. This allows a balanced level of privacy for adjacent garden users.

10. Light

The front elevations of the properties face south and light floods through the window openings on the front of the properties. 7 and 8 Admiralty Road sit together as a pair of semi-detached houses,

attached to one another. The proposal at number 8 will project off the rear elevation of no 7, by 1.7 metres at 1st floor level because the line of the rear elevation at no 7 has moved where the occupants have added on an extension at an earlier date. Consequently, the proposal at no 8 does not pose as big an impact as it would have if no 7 hadn't already extended. In this instance, looking directly at 7 and 8 as a standalone pair, the impact on light to no 7 is not as great due to the existing rear extension and established position of their rear wall elevation. In effect, no 7 has moved the line of the rear elevation and this proposal is acceptable in terms of adding on to it, to create a modest extension in context to the rear elevation of no 7.

11. 45 Degree Rule

Paragraphs 13.32, 13.33, 13.34 of the SPD provide guidance on the 45 degree rule whereby an imaginary line at an angle of 45 degrees is drawn from a point within the window of the closest ground floor habitable room of the neighbouring property towards and across the site of the proposed extension or new development. The proposal at no 8 mostly complies with the 45 degree rule, though there is minor encroachment at ground floor from number 9 looking across to number 8 and at 1st floor looking across from 7 to number 8. The encroachment is not considered significant and due to the orientation of the properties with the rear elevations facing north the impact on daylight is less.

12. Loss of amenity

Officers have addressed the comments made within the letters of representation and the balcony has been removed and other amendments have been made. Comments regarding loss of light and scale have been assessed in context to the other properties along Admiralty Road, plus orientation of the properties, and officers are not concerned that there is a significant impact.

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

None

11. Planning Obligations

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 is acceptable and accords with policies DEVI and DEV20 national guidance and specifically paragraph 11 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. The proposal for a part two-storey and part single storey rear extension and front extension is considered acceptable by officers due to the incremental development which has already taken place along Admiralty Road, the orientation of the dwellings and large rear gardens, therefore the application is recommended for approval.

14. Recommendation

In respect of the application dated 04.06.2020 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 DWG 2 of 2 - received 12/08/20

Site Location Plan 26052020 - received 26/05/20

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: OBSCURE GLAZING

Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the windows at first floor level in the east elevation of the dwelling house, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy DEVI of the adopted 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: PROPERTY RIGHTS

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

4 INFORMATIVE: BLAST MITIGATION MEASURES

The application site occupies the outer explosive safeguarding zone, the Vulnerable Building Distance (VBD), surrounding Defence Munitions (DM) Ernesettle & Bullpoint. The following glass specification is strongly recommended in accordance with traditional blast hazard mitigation measures:

- o 4mm thick or 6mm thick Toughened Glass to the outer pane
- o Cavity (no 'blast' requirements on thickness)
- o At least 6.8mm thick Laminated glass with a PVB interlayer to the inner pane
- o Thicker panes of laminated glass are also acceptable provided they contain a PVB interlayer thickness of at least 0.76mm.

5 INFORMATIVE: (ROOF TERRACE)

The applicants are advised that the above planning permission relates to the two storey rear extension and does not give approval for the use of the extension as any sort of roof terrace or open balcony.