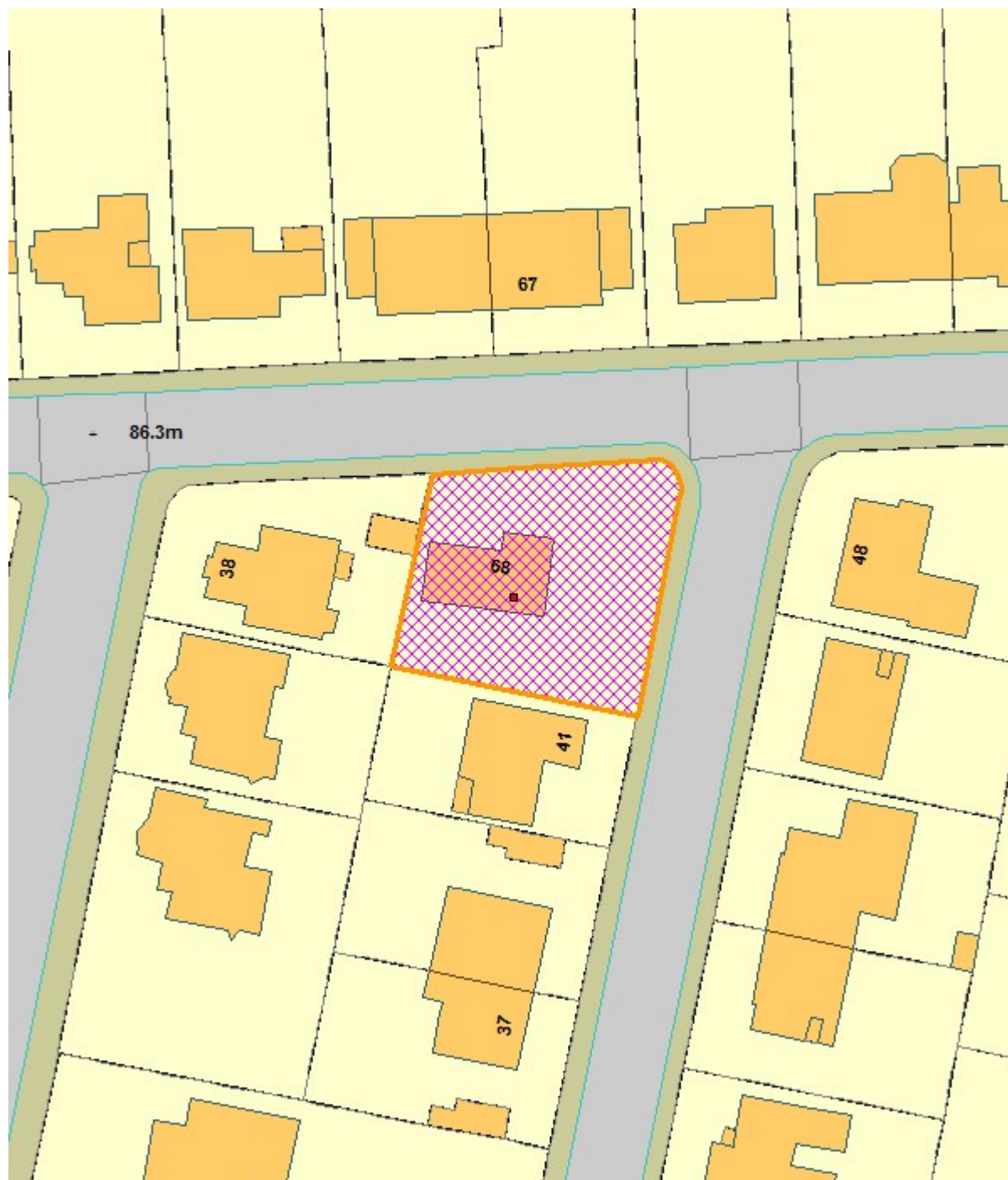


PLANNING APPLICATION OFFICERS REPORT



Application Number	20/01181/FUL	Item	02
Date Valid	24.09.2020	Ward	COMPTON
Site Address	68 Compton Avenue Plymouth PL3 5DB		
Proposal	Side extension (east), two storey rear extension, single storey rear extension and front extension.		
Applicant	Mr Tony Carson		
Application Type	Full Application		
Target Date	19.11.2020	Committee Date	10.12.2020
Extended Target Date	17.12.2020		
Decision Category	Councillor Application		
Case Officer	Mr Mike Stone		
Recommendation	Grant Conditionally		



This application comes before the Planning Committee because the applicant is Cllr Tony Carson.

1. Description of Site

The application property is a large, two-storey, L-shaped detached, dwellinghouse located at the junction of Compton Avenue and Rockingham Road in the Higher Compton and Mannamead Neighbourhood. The property has an unusual feature in that the west face of the pitched roof continues down to the ground floor ceiling level to form an integral garage. There are a number of tall, mature trees on and adjacent to the site, none of which are protected.

2. Proposal Description

The description of the development was originally "Side extension (east), rear extension, (single storey extension at first floor level) part single/part two-storey side extension (west), front extension." This was changed following negotiations due to concerns about the impact of the proposed west side extension on neighbours. The proposal is now for a side extension (east), two

storey rear extension, single storey rear extension, rear dormer and front extension. The amended plans were re-advertised for 14 days.

The east side extension would be a conservatory. It would be 4 metres wide, 3 metres deep 2.7 metres to the eaves and 3.1 metres to the top of the shallow pitched roof. Steps would lead to the side garden. Materials would be powder coated aluminium. The roof of the conservatory would continue across the full depth of the house, a further 3.7 metres.

The two storey rear extension would be 4.9 metres wide, 3 metres deep with a flat roof. Materials would match the main house, painted render.

The single storey rear extension would be 2.2 metres deep, 2 metres wide and 2.7 metres to the flat roof. It would become a new W.C./shower room and would replace an existing W.C. Materials would match the main house.

The rear dormer would be 4.3 metres wide, 2.3 metres deep and 1.6 metres high.

At the front, there would be a new porch and a new single storey front extension. The porch would be 4.3 metres wide, 2.2 metres deep and 3.1 metres to the flat roof. It would be made of glazed panels in an aluminium frame.

Adjoining the porch would be the front extension. It would be 2.9 metres wide, 2.2 metres deep and 3.3 metres to the flat roof. Materials would match the main house.

The overall width of the new front element would be 7.2 metres. It would follow the line of the front elevation of the two storey front gable.

3. Pre-application enquiry

There was no pre-application enquiry with this proposal.

4. Relevant planning history

10/01702/FUL - Construction of porch and single storey rear extension- Granted Conditionally but never built.

5. Consultation responses

Natural Infrastructure Planning Team - No objection to the proposed development given that appropriate tree protection and mitigation is included.

6. Representations

Two letters of representation has been received. Both letters object to the application on the grounds that the proposed west side extension would result in loss of light and privacy to neighbours in Rockingham Road and Culme Road, the plans of the tree in no. 38 Culme Road do not convey its real size, the extension could result in the loss of all or part of the tree. This part of the application was removed following negotiation.

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.

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:

- o 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 (WDDBC) 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 JLP, the Framework and other material policy documents as set out in Section 7.
2. The application turns upon policies DEV1 (Protecting health and amenity), DEV20 (Place shaping and the quality of the built environment), DEV28 (Trees, woodlands and hedgerows) and DEV29 (Specific provisions relating to transport), the aims of the JLP Supplementary Planning Documents and the National Planning Policy Framework (NPPF) 2019. The primary

planning considerations in this case are the impact on the character and appearance of the area, the impact on neighbour amenity, the impact on important trees and the impact on the highway network.

Impact on the character and appearance of the area.

3. The property is generally well screened from view by mature shrubs and trees and a high boundary fence. The case officer is satisfied that the proposed conservatory would not be readily visible from public areas so would have no impact on the quality of the street scene.
4. The two storey rear extension would have a flat roof and the case officer does have concerns about its appearance. The SPD has a presumption (paragraph 13.12) against flat roofs but does make exceptions, as in this case, where it is at the rear and where it helps to reduce the impact on neighbours. Given the SPD guidance, the case officer does not feel that a refusal on appearance grounds would be sustainable at an appeal. The top of the two storey rear extension would be visible above the boundary treatment but would be set back from the street and the case officer does not consider that it would have a significantly harmful impact on visual amenity.
5. The new front extensions and the new rear dormer would be visible from public areas. The front extensions would be built between the two arms of the L-shaped house. They would, therefore, not project forward of the front elevation and would not be contrary to guidance in the SPD on front extensions.
6. The front extensions would have flat roofs which would help to reduce the visual impact on the neighbour close by at the side. The new porch would be built from aluminium framed glazed panels and is considered to be of a high standard in design terms. The materials on the front extension would match the main house.
7. The rear dormer is modest in scale and could be built under permitted development, subject to meeting conditions on the use of similar materials.
8. Officers consider the proposals would not have a detrimental impact on the character and appearance of the area and comply with Policy DEV20 (Place shaping and the quality of the built environment).

Impact on neighbour amenity.

9. The original west side extension was considered to be contrary to paragraphs 13.27 -28 of the SPD in that it would have been built less than 12 metres from habitable room windows in no. 38 Culme Road. Following negotiations, this was removed and replaced with the rear dormer and the additional storey on the rear extension.
10. The two storey rear extension would be built within 7 metres of the side wall of no. 41 Rockingham Road. As mentioned above, the SPD says that extensions cannot be built within 12 metres of a habitable room window. There are two windows on the neighbour's side wall facing the proposed extension. Following discussions with the occupants of no. 41 Rockingham Road, they have confirmed that these windows serve a bathroom, obscure glazed, and a landing and as such would not be classed as habitable rooms.
11. No new high level windows are proposed for the two storey extension that would face near neighbours. A new first floor bedroom window would face the neighbour on the opposite side of the road at no. 46 Rockingham Road but this would be beyond the 21 metres threshold set out in the SPD as necessary to maintain privacy.

12. A new rear dormer would allow views into the rear gardens of properties in Rockingham Road but the case officer notes that the proposed dormer could be built under permitted development so a similar structure could be built without the need for planning permission.
13. The subject property is north of its neighbours so officer has no concerns about overshadowing.
14. The case officer considers that the proposals would not have an adverse impact on neighbour amenity and complies with Policy DEVI (Protecting health and amenity) and the SPD.

Impact on important trees.

15. A letter of objection has said that the proposed west side extension would result in the loss of the large Sycamore tree in the rear garden of no. 38 Culme Road. The applicants have provided a tree report that concludes that the trees on and adjacent to the site should not be impacted by the proposal as long as the protective measures in the submitted tree protection plan are put in place during construction for T7, the Sycamore, and for T5 the Crab Apple. A condition to this effect is recommended.
16. Tree T7, the Sycamore is the most significant tree that influences the proposal. It is accepted that the roots of the tree will not be impacted as the ground floor footprint will not be altered close to the side of the tree. The upper branches will, however, overhang the roof area of the proposed first floor extension and may need to be pruned to accommodate this part of the proposal and any scaffolding required during construction. Under common law the applicant can prune back the branches of the boundary without the consent of the owner.
17. An informative asking the applicant to notify the owner of the tree if any branch pruning is required is recommended.
18. Officers therefore consider the proposals comply with Policy DEV28 (Trees, woodlands and hedgerows).

Impact on the highway network.

19. The proposal would result in the loss of the integral garage. Table 30 of the SPD sets out indicative car parking provision for new residential development and recommends 3 spaces for this type of dwelling of 4 bedrooms. Paragraph 8.7 clarifies that this provision refers only to "new residential development, including residential conversions" and does not include householder extensions. Under permitted development, garage conversions can be carried out without planning permission. Officers consider that it would be possible to provide at least two off street parking spaces within the curtilage of the property. There is unregulated parking in the area and, based on site visits, it is not felt that parking is a problem in the surrounding streets.
20. Officers therefore consider the proposals would comply with DEV29 (Specific provisions relating to transport).

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

No Local Finance Considerations.

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.

No planning obligations have been sought in respect of this application.

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 the case officer 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 with the amendments made following negotiation is acceptable and accords with policies DEV1, DEV20, DEV28 and DEV29, 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 application is recommended for approval.

14. Recommendation

In respect of the application dated 24.09.2020 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**

Site Location Plan / Site Development Plan 2227-001 Rev P01 received 01/09/20
Plans Proposed 2227-002 Rev P02 received 16/11/20
Elevations Proposed Section A-A Proposed 2227-003 Rev P02 received 16/11/20
Roof Plans, Sections Proposed 2227-004 Rev P02 received 18/11/20

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: ECOLOGICAL MITIGATION

PRE-DAMP PROOF COURSE (DPC)

Before work commences on the Damp Proof Course of the rear extension hereby approved, the applicants shall submit details for the installation of an enclosed bird brick within the fabric of the extension and hedgehog hole within the site boundary. Plans for the specification and locations of these within the building and boundaries are to be submitted to and approved in writing by the Local Authority.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the NPPF paragraphs 170 & 175.

4 CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with Tree Protection Plan submitted by Rupert Baker 22/9/2020 and in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that the trees on site are protected during construction work in accordance with policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 127, 170 and 175 of the National Planning Policy Framework 2019.

5 CONDITION: USE OF FLAT ROOF

The flat roof of the rear extension hereby approved shall not be used as a roof terrace or balcony.

Reason:

To protect the residential amenity of neighbouring properties and to avoid conflict with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 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: PROTECTED SPECIES

The proposed works may take place on a building with suitability for bats or breeding birds. Under the Wildlife and Countryside Act (1981), bats and breeding birds are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building, a licence to carry out the works from Natural England may be required. For further information please contact Plymouth City Council's Natural Infrastructure Officers.

4 INFORMATIVE: SUPPORTING DOCUMENTS

The following supporting documents have been considered in relation to this application:
- Arboricultural Report, September 2020.

5 INFORMATIVE: PRUNING OF NEIGHBOUR'S TREES

The applicant is encouraged to notify the owner of the large Sycamore tree in no. 38 Culme Road if any branch pruning is required.