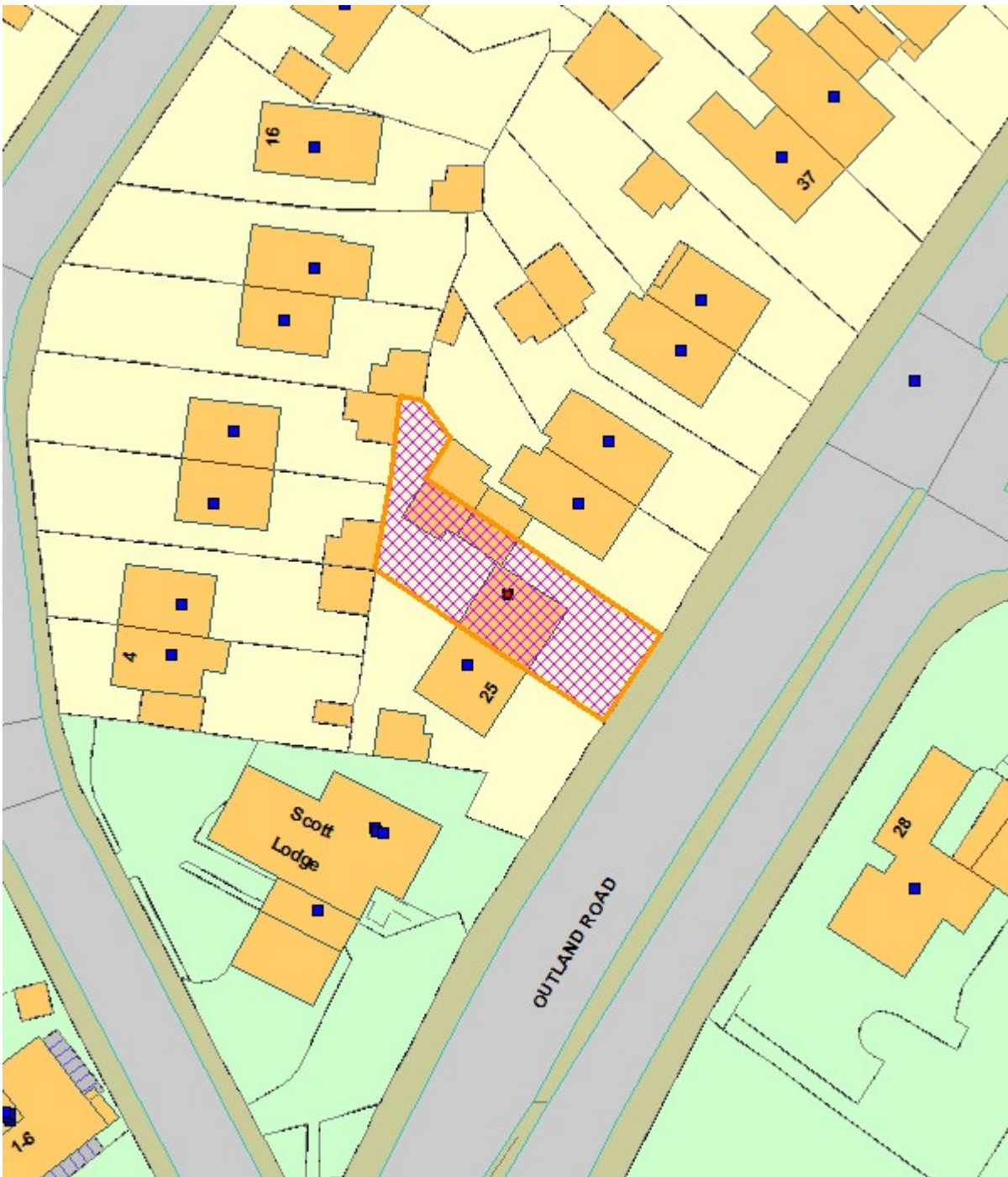


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/01605/FUL	<b>Item</b>	02
<b>Date Valid</b>	19.10.2020	<b>Ward</b>	PEVERELL
<b>Site Address</b>	27 Outland Road Plymouth PL2 3DA		
<b>Proposal</b>	Part single storey and part two-storey rear and side extension and front porch (part retrospective)		
<b>Applicant</b>	Mr & Mrs Davies		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	14.12.2020	<b>Committee Date</b>	14.01.2021
<b>Extended Target Date</b>	21.01.2021		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Mike Stone		
<b>Recommendation</b>	Grant Conditionally		



This application comes before the Planning Committee after being called in by Cllr Allen, following representations from constituents

### **1. Site Description**

Number 27 Outland Road is a two storey semi-detached dwellinghouse with a detached garage to the side and rear that forms a pair with the next door neighbour's garage. There is a clear plastic roof covering the area in front of both garages. The front garden of the house has been paved to form a vehicle hardstanding area. Ground levels fall away from front (east) to back (west) so that properties behind in Scott Road are set below those in this part of Outland Road. Outland Road is a Classified Road and the site is in the Beacon Park Neighbourhood. Although records are not definitive, it is possible that the site is near the

route of the Devonport Leat, a late 18th century water channel designed to bring fresh water from Dartmoor to the naval dockyards.

## **2. Proposal Description**

Part single storey and part two-storey rear and side extension and front porch (part retrospective). The front porch was nearing completion at the time of the case officer's site visit and the description of development has been updated to include "part retrospective" to reflect this.

The two-storey extension would be built on the driveway on the north side of the house and would include an integral garage. The extension would be 2.8 metres wide and 7.4 metres deep, it would extend 1.2 metres beyond the existing rear elevation. The height would be 4.8 metres to the eaves and 8.1 metres to roof ridge.

The rear extension would be 3 metres deep, 9.7 metres wide and 3 metres to the flat roof.

The front porch would be 2.8 metres wide, 1.5 metres deep and 2.4 to the eaves and 3.4 metres to the top of the mono-pitched roof.

## **3. Pre-application enquiry**

There was no pre-application enquiry with this proposal.

## **4. Relevant planning history**

87/02687/FUL - Widening of vehicular access - Granted Conditionally.

## **5. Consultation responses**

South West Water - a plan showing the location of the company's assets in the area and guidance on building nearby has been submitted.

Local Highway Authority - no objections from a highway viewpoint, subject to a condition relating to the hardsurfacing of the front garden area.

Historic Environment Officer - no objections, an archaeological Watching Brief condition is recommended.

## **6. Representations**

Three letters of representation have been received. All three letters object to the application for the following reasons; overbearing appearance, out of character, it will establish a precedent, it will create a terracing effect, loss of privacy, overshadowing, loss of light, overbearing appearance, it will prevent access to the rear for emergency services, not possible to maintain the extension without going on neighbours land, loss of driveway will restrict the number of parking spaces and could increase pavement parking, contrary to SPD guidance on terracing and loss of light and the land is subject to restrictive covenants.

Restrictive covenants are a civil matter and not a material planning consideration.

## **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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

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.

### **1. 8. Analysis**

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) and DEV29 (Specific provisions relating to transport), the aims of the Joint Local Plan Supplementary Planning Document (JLP SPD) 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 and highway safety.

### **3. Two storey side extension**

#### Impact on the character and appearance of the area.

Letters of objection have referred to the terracing effect. Two storey side extensions can give rise to what is known as a terracing effect, where successive side extensions can almost link up with neighbouring properties, leading to the appearance of a terraced street. The JLP SPD recognises that this sort of piecemeal development can appear "visually obtrusive" and "can be harmful to the character and amenity of an area."

4. Paragraph 13.41 of the JLP SPD says that;

"To avoid a terracing effect, a gap should be left between the extension and the boundary with the neighbouring property. This gap should generally be at least 1.5m wide. Where it is not feasible to leave a gap, an alternative is to set the extension further back from the front of the house. The required set-back distance to avoid the appearance of terracing will vary, however a set-back distance of at least 2m may be necessary."

5. As originally submitted, the current proposal was very close to the boundary and only had a setback of 850mm from the front elevation. Following negotiations with the applicant they have agreed to amend the side extension to accommodate a two metre setback.

6. The extension is set down at the roof, and features a hipped, pitched roof to match the existing. Materials would be of similar appearance to those on the main house, all of which is in line with JLP SPD guidance.

#### 7. Impact on the neighbour amenity.

Letters of objection have mentioned loss of light, loss of privacy and overbearing appearance.

8. Paragraph 13.28 of the JLP SPD says;

"In order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should be at least 12m.

9. The proposed side extension would be built approximately 3 metres away from windows serving the neighbours dining room and living room. Both rooms are dual aspect with the living room having a bay window at the front of the house (facing south east) and the dining room, a rear conservatory (facing north west). The case officer accepts that the proposal will result in loss of light to these two habitable rooms. However, the mitigation provided by the dual aspect nature of the rooms means that it would not be considered significantly harmful enough to provide a strong refusal reason should this be taken to a planning appeal.

10. Paragraph 13.27 of the JLP SPD covers overbearing appearance. It says that, "While views from a private house or garden are not safeguarded by planning legislation, an extension should not be constructed in close proximity to either a habitable room window of a neighbouring property or its private garden where it would have an unacceptable overbearing effect on a household's outlook." As mentioned above, the dual aspect nature of the rooms with the main windows facing front and rear, means that the case officer does not consider this to be significantly harmful enough to warrant refusal.

11. Regarding views from the garden, the extension would have a hipped pitched roof to reduce the visual impact. In recent appeal decisions in Plymouth, planning inspectors have taken a more relaxed view of what can be considered an overbearing appearance and the case officer does not feel the proposal would be significantly harmful.

12. This part of Outland Road is on a roughly north east/south west orientation. The subject property is south of the neighbour at no. 29, so this property would be the subject of any increased overshadowing. The side extension is set down below the level of the main house roof. The case officer accepts that there may be some increased overshadowing, but given the roof being hipped and having a set down and the presence of the side driveway, it is not felt that this would impact significantly on the main garden amenity area at the rear of the house.

13. Letters of objection have mentioned possible loss of privacy from a new rear facing, high level window. This room is shown as a shower room/WC and an obscure glazing condition is recommended to overcome any privacy concerns. The case officer considers that, following the negotiated amendments, the two storey side extension complies with Policies DEV1 and DEV20 and the JLP SPD.

#### **14. Single storey rear extension**

A similar extension could be built under permitted development. A flat roof is shown. The JLP SPD has a presumption against flat roofs but does make an exception where, as in this case, they are at the rear and it helps to reduce the visual impact on neighbours. Materials would match the main house. The case officer considers that the rear extension complies with Policies DEV1 and DEV20.

#### **15. Front porch**

Work on the front porch has started and it is nearly finished. The JLP SPD says that "Where a street has a clear established building line, the only development that might be acceptable at the front is likely to be a small, sympathetically designed porch." The design of the porch includes a mono pitched roof and materials will match those on the main house. The case officer considers that the front porch complies with Policies DEV1 and DEV20 and the JLP SPD.

#### **16. Changes to the parking arrangements**

Letters of objection have referred to highway safety concerns. The Local Highway Authority in their consultation response has said that the addition of the extra bedroom would increase the parking demand to 3 spaces, using the SPD guidance. However, they also note that these

car parking standards are 'indicative' and it is the view of the Local Highway Authority that the provision of 2 off-street car parking spaces serving the property, would still suffice following the proposed extension. The area at the front of the property is being hard-paved which would provide sufficient space for 2 vehicles to park clear of the highway.

17. Although the layout of the off-street car parking area serving the property necessitates vehicles reversing directly back out onto Outland Road (which is far from ideal considering the volume of traffic that uses Outland Road), it is accepted that this is no different to the current situation in terms of vehicular access to and from the dwelling.

### **18. Intentional Unauthorised Development**

The front porch was nearing completion at the time of the case officer's site visit. Since August 2015 national planning policy requires consideration to be given as to whether intentional unauthorised development has been carried out. The new policy applies to all relevant planning decisions made by Local Planning Authorities and Planning Inspectors. The policy has been introduced largely as a result of Government concerns about the harm caused by unauthorised developments in the Greenbelt, but applies equally elsewhere.

19. The policy does not indicate exactly how much weight should be afforded to this in relation to the weight to be given to other material planning considerations. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally.

20. It is clearly highly undesirable for any development to take place before planning permission has been properly sought, and obtained, in any circumstances. However, it should be noted that this new policy only applies where unauthorised development has taken place with the full knowledge of the person(s) undertaking the work that it lacks the necessary consent. In reality, given the difficulties in interpreting these points, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that unauthorised development is being carried out, and that works have then continued beyond that point, or where there is some other compelling evidence that such work has intentionally been carried out.

21. Neither of these factors appear to apply in this case, and so it is considered that no weight should be afforded to this particular point in the determination of this application.

### **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 is acceptable and accords with policies DEV1, DEV20 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 19.10.2020 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**

Block Plan 19102020 - received 19/10/20

Location Plan 19102020 - received 19/10/20

Proposed Plans and Elevations 2 of 2 received 21/12/20

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: PROGRAMME OF ARCHAEOLOGICAL WORK**

### PRE-COMMENCEMENT

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason:

To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 199 of the National Planning Policy Framework 2019, that an appropriate record is made of archaeological evidence which may be affected by the development.

Justification:

To ensure that important archaeological features are properly protected / recorded before construction commences.

## 4 **CONDITION: SURFACING OF DRIVEWAY/PARKING AREAS**

### PRE-OCCUPATION

Before the extensions hereby permitted are occupied, the parking area shall either be (a) constructed using a permeable construction or (b) hard paved for a distance of not less than 1m from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that no private surface water or loose material is deposited onto the adjoining highway in the interests of highway safety in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019.

## **5      CONDITION: MATCHING MATERIALS**

The materials to be used in the construction of the external surfaces of the extensions and porch hereby permitted shall match those used in the existing building.

Reason:

To ensure that the materials used are in keeping with the appearance of the existing building and the character of the area in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and 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.