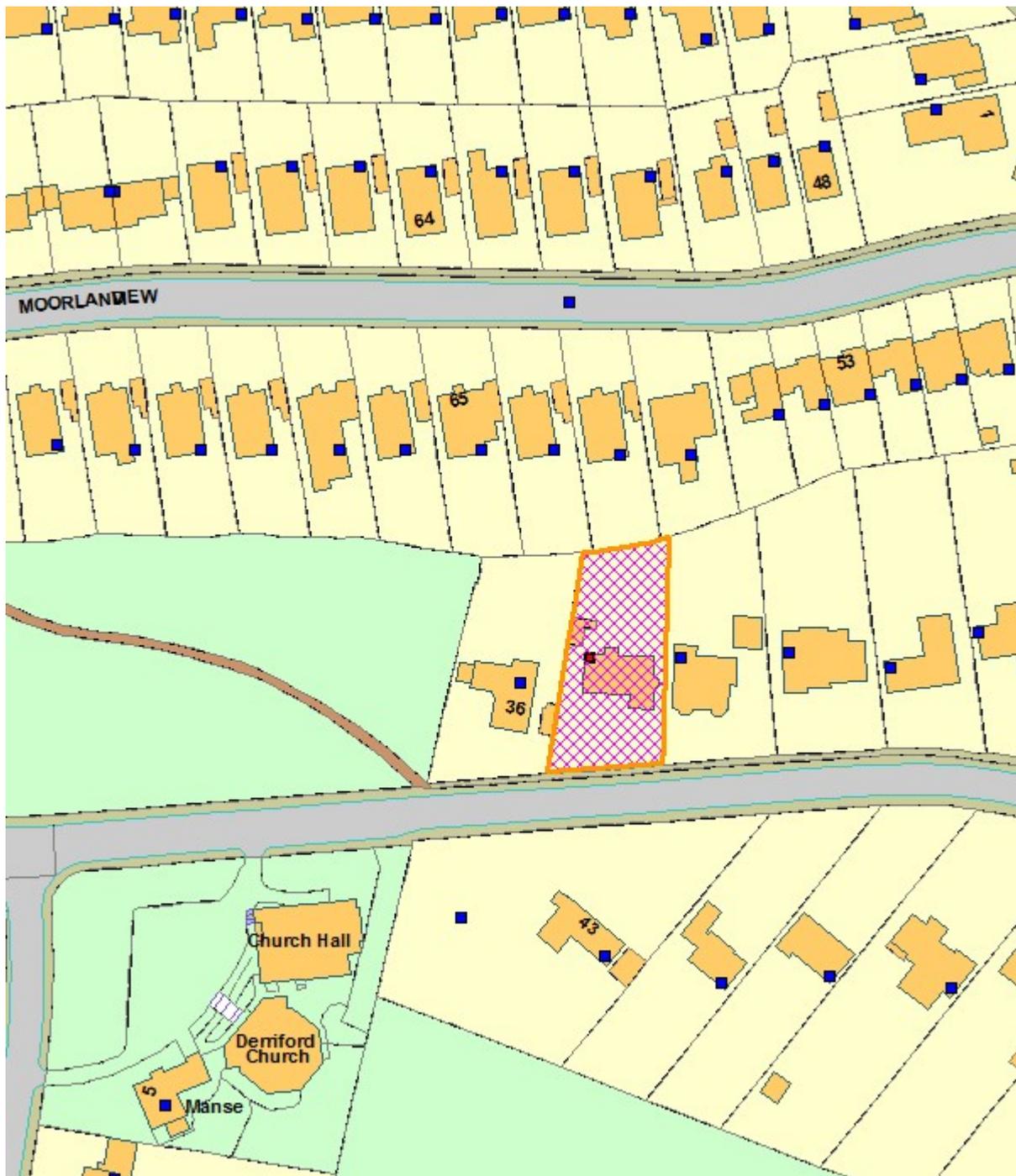


# PLANNING APPLICATION OFFICERS REPORT



|                             |                                                                                                                                                                                                                                                                                         |                       |                   |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------|
| <b>Application Number</b>   | 21/00264/FUL                                                                                                                                                                                                                                                                            | <b>Item</b>           | <b>02</b>         |
| <b>Date Valid</b>           | 15.02.2021                                                                                                                                                                                                                                                                              | <b>Ward</b>           | BUDSHEAD          |
| <b>Site Address</b>         | 34 Powisland Drive Plymouth PL6 6AB                                                                                                                                                                                                                                                     |                       |                   |
| <b>Proposal</b>             | Front and rear extensions, raising of roof height to create new first floor level with rear dormers, rear terrace/balcony area, demolition of existing garage and creation of new single garage, window changes, extension of existing driveway and minor garden and patio alterations. |                       |                   |
| <b>Applicant</b>            | Mr & Mrs Constantinou                                                                                                                                                                                                                                                                   |                       |                   |
| <b>Application Type</b>     | Full Application                                                                                                                                                                                                                                                                        |                       |                   |
| <b>Target Date</b>          | <b>12.04.2021</b>                                                                                                                                                                                                                                                                       | <b>Committee Date</b> | <b>08.04.2021</b> |
| <b>Extended Target Date</b> | <b>N/A</b>                                                                                                                                                                                                                                                                              |                       |                   |
| <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 Jon Taylor.

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

34 Powisland Drive is a detached bungalow located in the Budshead Ward of Plymouth.

### **2. Proposal Description**

Front and rear extensions, raising of roof height to create new first floor level with rear dormers, rear terrace/balcony area, demolition of existing garage and creation of new single garage, window changes, extension of existing driveway and minor garden and patio alterations.

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

No pre application enquiry associated with this application.

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

02/00282/REM - Detached dwelling with integral garage, on plot 2 (revised design) - Grant conditionally

#### **5. Consultation Responses**

Local Highway Authority - no objections.

#### **6. Representations**

Seven 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
- development is of poor design/layout and out of proportion

Non-material planning considerations were also raised:

- loss of property value

#### **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).

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 The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).

#### **8. Analysis**

- 8.1 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 DEV29 (Specific provisions relating to transport) 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**

- 8.2 Powisland Drive contains a range of detached single and two storey properties, each with their own individual design and finish. To the north of the application property lies Moorland Avenue which features a more uniform property line.

#### **Principle of Development**

- 8.3 Joint Local Plan policies indicate that the proposal is acceptable in principle. Although the proposals clearly detail significant changes to the existing bungalow, resulting in what is a fundamentally different style and design of dwelling, officers are of the view that this difference is not visually harmful to the streetscape. The character of Powisland Drive is that

of a varied built form where all dwellings have their own unique characteristics. The proposals at no. 34 are therefore in-keeping with these design characteristics.

### Design

8.4 As the description indicates there are numerous alterations taking place, therefore for the interests of clarity each aspect of the scheme has been grouped into four sections (paragraphs 5 to 11).

### Front extension and dormers

8.5 The alterations to the front of the dwelling remove the 2no. front bay windows leaving a flat finish to the principal elevation. Other alterations include the raising of the existing front dual pitched extension to a two storey level (to accommodate a walk-in wardrobe) and inserting 2no. front facing roof dormers which are designed to accommodate the gallery room and the bedroom.

8.6 Paragraph 13.36 of the SPD specifies that extensions which project forwards of the existing house will generally be resisted. However, this is only in circumstances where a street has a clearly established building line and the properties are not set back from each other. In this instance, the property line is uneven with no. 36 set forwards of no. 34 at an angle and no. 32 marginally set forwards of no. 34. The features of several properties along Powisland Drive include single and two storey front projections within the overall design (as permitted in paragraph 13.36). The proposed front first floor extension and front facing dormers will present a similar design frontage as no. 30 Powisland Drive. Furthermore, the property is set back 12 metres from the pavement edge and due to the topography is partially set down below the road level which officers consider, as combined factors, mitigate against the prominence of the overall alterations.

### Side extension/garage and extension of existing driveway

8.7 The application proposes a single storey side extension to accommodate a garage. Officers consider the design sub-ordinate and in-keeping with the main dwelling and will be finished in smooth render to match existing. Notwithstanding this, a similarly sized garage side extension can be completed under permitted development (note that this has been based on the existing bungalow dimensions).

8.8 Having assessed the plans and comments by the Local Highway Authority regarding the driveway extension, officers consider there to be no adverse impacts to the street scene. The driveway extension itself will be enclosed behind an existing natural boundary treatment fronting onto Powisland Drive.

### Rear extension and rear terrace

8.9 The proposed single storey rear extension is 'L' shaped and has a maximum projection of 7.2 metres. At the point closest to the dwelling, the maximum height is 3.3 metres and at the point furthest away from the dwelling, the maximum height is 4.6 metres (the variance is due to the land gradient). Officers consider that the extension is of a high quality design and finish (materials proposes face brickwork with cast quoins and headstones) and sub-ordinate to the main dwelling. The rear extension will not be visible from public areas such as Moorland Avenue and Powisland Drive. Permitted development rights are proposed to be removed for the property with this consent to restrict overdevelopment of the site and prohibit windows being installed on the west elevation.

### Raising of roof height with rear dormers

8.10 The application proposes the raising of the roof height to accommodate an additional floor level. The first floor level will contain a master bedroom/walk-in wardrobe, gallery, 2no.

smaller bedrooms and 2no. en-suites. Officers consider that the raising of the roof height will not visually detract from the street scene. As previously mentioned, Powisland Drive contains a range of single and two storey dwellings of varying heights. Furthermore a number of properties in the area have extended into the roof space. The resultant height of the raised roof line will be similar to the total roof height of the adjacent dwelling (no. 32 - which itself has extended into the roof space). A condition is proposed which will restrict and clarify that the roof of the ground floor rear extension cannot be used as an amenity space.

#### Summary of design considerations

8.11 Officers have considered the overall visual impact of the proposed development against the guidance in the Joint Local Plan SPD and consider it acceptable and in accordance with policy DEV20 of the Joint Local Plan.

#### Amenity

8.12 The application proposes a decked area on the rear extension which is obscured from view from no. 36 due to the 'L' shaped design. It is noted that the edge of the decking is 6 metres from the boundary with no. 32 and is separated by a minimum 2 metre fence line which steps down with the topography of the land. The resultant privacy factor would therefore be similar to standing on a flat surface patio area. Officers note that the majority of properties along Powisland Drive have rear raised terraces with similar amenity impacts to what is proposed. A condition has been added to this consent, to ensure the roof of the ground floor rear extension is not used as an amenity space. There is no access to this area shown on the plans. Concern from residents has been raised within the letters of representation about this point and officers can confirm the roof of the extension will not be used as a roof terrace.

8.13 A number of public comments raise concerns of the rear extension creating overlooking issues onto Moorland Avenue. The northern boundary features a row of deciduous trees which would afford complete privacy during spring/summer time however in autumn/winter a direct line of site to the bungalows is possible. Notwithstanding this, at the furthest depth of the extension (7.2 metres) a 30 metre window-to-window separation distance remains therefore meeting and exceeding the 21 and 28 metre separation distance as detailed in paragraph 13.19 of the Joint Local Plan SPD. At the front of the property the neighbouring property elevation is 38 metres away.

8.14 Officers have considered the impact in terms of loss of light. The increase in the height of building will affect no 32 in terms of the light reaching their side elevation windows at ground floor. However, the room affected is dual aspect and the windows are not main windows. Officers do not deem the impact to be significant as per paragraph 13.30 of the SDD. The impact for no 36 is less as the side elevation of no 36 is set at a minimum distance of 9 metres away. Again, light will be impacted though the room affected is dual aspect with windows on the north elevation as well as the east.

#### Summary of design considerations

8.15 Officers have considered the overall visual impact of the proposed development against the guidance in the Joint Local Plan SPD and consider it acceptable and in accordance with policy DEV1 of the Joint Local Plan.

### **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**

The proposed front and rear extensions, raising of roof height to create new first floor level with rear dormers, rear terrace/balcony area, demolition of existing garage and creation of new single garage, window changes, extension of existing driveway and minor garden and patio alterations are considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

## **14. Recommendation**

In respect of the application dated 15.02.2021 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**

Existing Plans P1041 - 01 - received 12/02/21

Proposed Site and Ground Floor Plans P1041 - 03 - received 12/02/21

Proposed First Floor and Roof Plans P1041 - 04 - received 12/02/21

Proposed Elevations P1041 - 05 - received 12/02/21

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: RESTRICTIONS ON PERMITTED DEVELOPMENT**

Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements, erections or other alterations, including to the roof, shall be constructed to the dwelling hereinafter 34 Powisland Drive.

Reason:

In order to protect the amenity of the area and prevent overdevelopment of the site in accordance with policies DEVI, DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and paragraph 127 of the National Planning Policy Framework 2019.

### **4 CONDITION: FLAT ROOF RESTRICTION**

The flat roof of the single storey rear extension hereby approved shall at no time be used as a roof terrace or balcony.

Reason:

In order to protect the privacy enjoyed by the occupiers of the surrounding dwellings in accordance with Policies DEVI and DEV20 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**

### **I INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://www.plymouth.gov.uk/CIL). You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5)

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

## **2      **INFORMATIVE: CONDITIONAL APPROVAL (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 has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

## **3      **INFORMATIVE: (ROOF TERRACE)****

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

## **4      **INFORMATIVE: CODE OF PRACTICE****

During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working.

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

## **5      **INFORMATIVE: SUPPORTING DOCUMENTS****

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

- P1041 - 10 Existing and Proposed Site Sections (Received 26/03/2021)