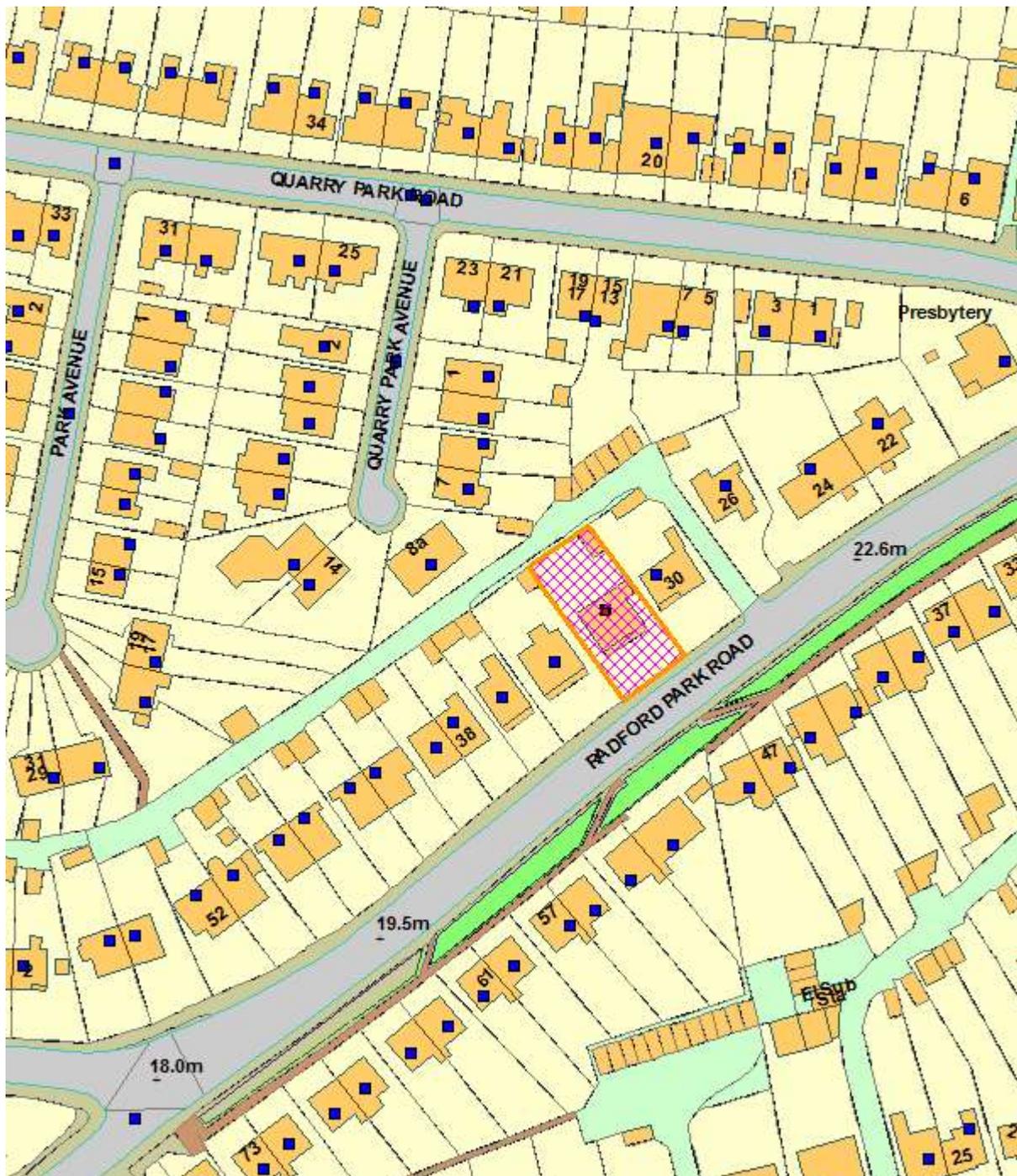


PLANNING APPLICATION OFFICERS REPORT



Application Number	21/00196/FUL	Item	03
Date Valid	03.02.2021	Ward	PLYMSTOCK RADFORD
Site Address	32 Radford Park Road Plymouth PL9 9DP		
Proposal	Single storey side and rear extension, rooflights and garage conversion.		
Applicant	Mr Jordi Armitage		
Application Type	Full Application		
Target Date	31.03.2021	Committee Date	08.04.2021
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Mr Mike Stone		
Recommendation	Grant Conditionally		



This application comes before the Planning Committee after being called in by Cllr Watkin.

1. Description of Site

The application property is a detached bungalow with a large front dormer and detached rear garage accessed from a private service lane running behind the property. The front dormer was built without consent some time ago by previous owners. Due to the length of time the dormer has been in place, officers have confirmed with the applicant that the development is exempt from enforcement action. Ground levels rise from front to back and the front door is accessed by a short flight of steps. The site is located between the junctions of Radford Park Road with Quarry Park Road and Dean Park Road in the Plymstock and Radford Neighbourhood.

2. Proposal Description

The application was originally described as a Single storey side and rear extension and rear dormer but following negotiations the dormer was removed. The description was changed to Single storey

side and rear extension, rooflights and garage conversion and the extension was moved closer to the applicant's property and screened by a hedge.

The extension would continue 6.4 metres beyond the rear elevation of the bungalow and would meet up with the detached garage in the garden. It would be 3.4 metres wide, 2.3 metres to the eaves and 3.9 metres to the ridge of the dual pitched roof at the highest point. The garage would be converted into a Study/Bedroom and Store and an adjacent hardstanding enlarged to accommodate two vehicles.

3. Pre-application enquiry

There was no pre-application enquiry with this proposal.

4. Relevant planning history

There is no planning history for this property.

5. Consultation responses

South West Water - no SWW infrastructure would be affected by the development.

6. Representations

Twelve letters of representation have been received. Nine letters support the application and three object. All of the letters of objection are local to the immediate area; a number of the letters of support are from outside the area or the city itself.

The letters of support say that the development is needed to provide additional space for an expanding family which will allow them to stay in the area, it will improve and modernise the property.

The letters of objection object to the proposal for the following reasons;

- * the development is out of keeping
- * the scale and massing are too large
- * it will be overbearing
- * the design is unsympathetic
- * it will lead to loss of light and result in a feeling of enclosure for neighbours
- * the rear dormer is contrary to planning guidance and will lead to a loss of privacy
- * plans are incorrectly labelled
- * it will establish a precedent
- * construction and maintenance will require access to neighbours land, eaves and guttering would overhang neighbours land
- * possible impact on South West Water infrastructure
- * the site is covered by restrictive covenants.

Restrictive covenants and access rights for maintenance are not material planning considerations.

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 (WDVC) 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

- 8.1 This application has been considered in the context of the JLP, the Framework and other material policy documents as set out in Section 7.
- 8.2 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 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 neighbour amenity and the impact on the character and appearance of the area.

Impact on neighbour amenity

- 8.3. Letters of objections have been received that describe the proposed side extension as being too large in its scale and massing and likely to lead to a loss of light and create a feeling of enclosure for neighbours.
- 8.4. The boundary treatment between the applicant and the neighbouring property is a high hedge and a low timber fence. Following negotiations the extension has been moved behind the hedge. Officers consider that moving the extension this way helps to greatly reduce the visible impact and to break up the visual bulk of the combined extension and garage.
- 8.5. The new arrangement is not considered by officers to present any concerns to neighbour amenity in terms of loss of light, privacy or overbearing appearance and is felt to comply with Policy DEVI. Conditions on the retention of the hedge and the removal of permitted development rights to prevent the addition of side facing windows are recommended.

Impact on the character and appearance of the area

- 8.6. The proposed rear dormer has been removed from the application following negotiations because of the scope for overlooking and because the boxy design was not felt to be comply with guidance on dormers set out in the SPD. The front dormer was built without planning permission so there would be no permitted development fall back position.
- 8.7. The rear and side extension would not be readily visible from any public areas. The use of the dual pitched roof on it, although increasing the visibility of the extension is considered by officers to improve its appearance compared to a flat roofed alternative.
- 8.8. Following the conversion of the garage to a Bedroom/Study/Store the property would still have a two off-street parking spaces available on a hardstanding in the rear garden.
- 8.9. Officers consider the proposal would not have a detrimental impact on the character and appearance of the area and complies with Policy DEV20.

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 and DEV20 and 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 03.02.2021 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, Site Location Plan and Block Plan D8048 001 - received 17/02/21

Proposed Sections D8048-006 Rev A received 22/03/21

Proposed Plans D8048-004 Rev A received 22/03/21

Proposed Elevations D8048-005 Rev A received 22/03/21

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: CAR PARKING PROVISION**

PRE-OCCUPATION

The converted garage shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies DEV29 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019.

4 CONDITION: HEDGE TO BE RETAINED/PROTECTED

The boundary hedge is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect from the commencement of development.

A: The hedge shall not be cut down, uprooted or destroyed, other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.

B: If the hedge 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 hedge shall be planted at the same place and that hedge 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 the hedge shall be undertaken in accordance with the approved plans 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 hedge is retained and protected during construction work and thereafter is properly maintained, if necessary by replacement, in accordance with Policies DEVI and DEV28 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2019.

5 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 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the dwelling.

Reason:

In order to protect neighbour amenity; in accordance with Policy DEVI 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.

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.