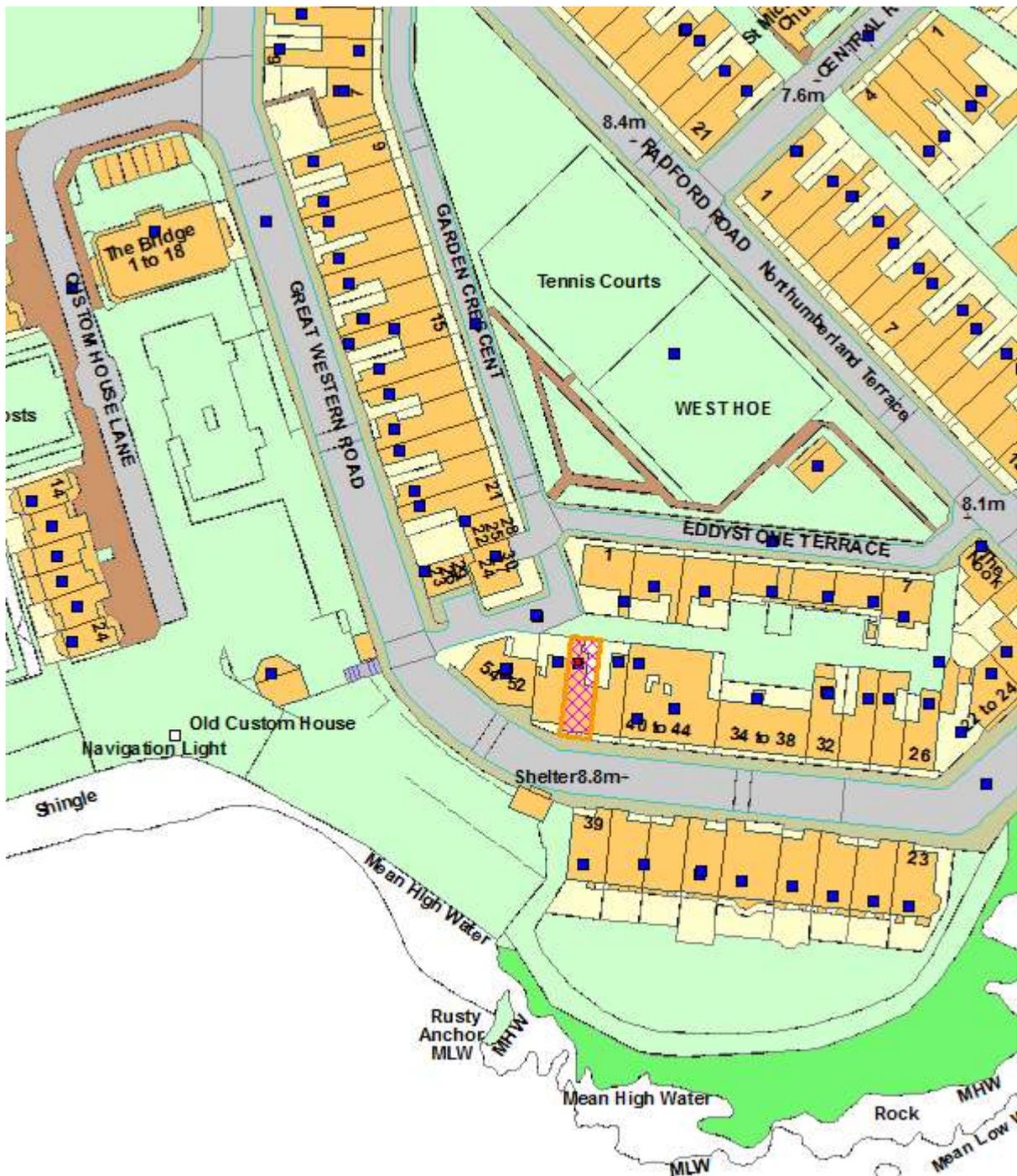


PLANNING APPLICATION OFFICERS REPORT



Application Number	21/00039/FUL	Item	05
Date Valid	22.01.2021	Ward	ST PETER AND THE WATERFRONT
Site Address	48 Grand Parade Plymouth PL1 3DJ		
Proposal	First floor rear extension		
Applicant	Mr Dougall		
Application Type	Full Application		
Target Date	19.03.2021	Committee Date	08.04.2021
Extended Target Date	16.04.2021		
Decision Category	Councillor Referral		
Case Officer	Mr Sam Lewis		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Cllr. McDonald.

1. Description of Site

48 Grand Parade is a large, three-storey terraced property with a part-single storey and part-two storey rear tenement. The property has a small rear yard area which backs onto a service lane which, in turn, backs onto the rear of the properties on Eddystone Terrace - which is to the north of the site. The site falls within the St Peter and the Waterfront ward of the city.

2. Proposal Description

The proposal is for a first floor rear tenement extension. Currently the ground floor element of the rear tenement extends up to the property's rear boundary, with the first floor element being set back. This application seeks to extend that first floor element out to the boundary. The proposed extension will follow the layout of the ground floor tenement section, meaning that it will be 4.11m

long and 3.18m wide on the boundary (although a small portion where the extension will meet the current first floor tenement will be wider).

The extension is proposed to match the current first floor tenement section for height, with a proposed height of 5.73m when measuring from the northern boundary. Despite this however, the extension will appear slightly shorter than the existing first floor element due to the fact that the latter has parapet walls around it that enclose a roof terrace. Officers wish to note that this application is not seeking to extend the terrace, which would require planning permission in its own right.

Windows are proposed to be installed in the extension's eastern and western elevations, with none proposed for the northern elevation. The extension is proposed to be finished in render to match the rest of the property.

The above details are taken from the amended plans received by Officers on 15th March 2021. These plans followed negotiations to alter the window layout to better protect the privacy of neighbouring properties. A rear window, which Officers deemed to be harmful, was removed.

The application's original 21-day consultation period ran from 2nd February 2021 to 23rd February 2021. Following the receipt of the amended plans, a second 21-day consultation commenced on 16th March 2021 to re-advertise the scheme. This current consultation period will end on 6th April 2021.

3. Pre-application Enquiry

None.

4. Relevant Planning History

None.

5. Consultation Responses

The Hoe Neighbourhood Forum - No response received.

6. Representations

During the original consultation period, five letters of representation were received by Officers. The concerns raised include:

- Potential loss of privacy for nearby residents;
- The proposal, by nature of its design, will set a potential precedent to increase the built-up nature of the area.

At the time of writing, four further letters of representation have been received during the second consultation period - although three are from the same person. The further concerns raised include:

- Potential loss of light for nearby residents;
- Potential massing impacts for nearby residents.

The receipt of any further representations will be detailed in an Addendum report. The above concerns will be discussed in Section 8 of this report.

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. Key Issues/Material Considerations

- 8.1 The relevant policies are: DEV1 (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment).

Principle of Development

- 8.2 Joint Local Plan policies indicate that the proposal is acceptable in principle.

Negotiations Undertaken

- 8.3 The original plans submitted were considered unacceptable. This is because the position of the proposed rear window would have directly overlooked the rear windows and gardens of the Eddystone Terrace properties to the north. Following negotiations with the applicant, the proposed window layout was altered. Revised plans were submitted, and the assessment has been based on these revisions.

Visual Impact

- 8.4.1 Officers have considered the visual impact of the development against the guidance in the SPD and consider it acceptable.
- 8.4.2 While there are no two-storey tenements that extend to any rear boundaries on this portion of Grand Parade, Officers consider that the proposal is visually acceptable and in-keeping with the area. There are many properties in the immediate area that have much larger and more prominent tenements than the extension that is proposed here (such as the Garden Crescent properties to the north west of the site), and such extensions (or ones of a similar/larger scale) are commonly found across the wider, more historic parts of the city - particularly in streets with rear service lanes akin to Grand Parade.
- 8.4.3 While Officers acknowledge the concerns raised relating to design, the proposed extension is modest in size and is therefore considered of suitable scale for the site. There are a handful of more upward rear extensions on Grand Parade, including a tower-like structure immediately to the east of the site, and the proposal is considered to be more subservient in appearance than some of them - despite extending to the boundary. Officers acknowledge that the proposal is likely to be more visually prominent than some of these other examples however, due to its position at the end of the service lane where Garden Crescent bends around to meet Grand Parade, but the location is considered to be tucked away and screened from nearby property frontages to not significantly impact the streetscene. The area immediately adjacent to where the extension is proposed still has the feel of a quiet rear service lane - despite the relative prominence compared to other parts of Grand Parade's rear.
- 8.4.4 Taking the above into account, and the fact that the proposed materials will match the main dwelling, Officers consider that the proposal will be, on balance, acceptable from a visual impact perspective.

Amenity

- 8.5.1 Officers have considered the impact on neighbouring amenity against the guidance in the SPD and consider it acceptable.
- 8.5.2 While there is likely to be some impact on 1 Eddystone Terrace to the north, Officers do not consider that this impact will be significant enough to warrant a refusal of planning permission. Officers initially had concerns relating to a proposed rear window (which was to be inserted into the northern elevation of the extension), but this has since been removed. This window would have directly overlooked the garden and rear windows of 1 Eddystone Terrace in a manner which Officers considered to be harmful. Following discussions with the applicant however, the rear window was removed. Officers now consider that there will be no harmful overlooking of 1 Eddystone Terrace as a result of the scheme. Side windows in the east and west elevations are proposed instead, and Officers have added a condition to restrict the addition of any further windows beyond what is approved here.
- 8.5.3 Officers do not consider that the views from the side windows will cause any significant privacy concerns. The western window will only overlook the street and a parking area, with the eastern window overlooking the service lane and rear yards that are already significantly overlooked by existing side windows and a number of roof terraces. Officers also consider that impact on the side/rear windows of numbers 46 and 50 Grand Parade will not be adversely affected by the proposal, as the angles between them and the proposed windows will make views into them difficult. Regarding roof terraces, there are a handful at second floor level at the rear of the Grand Parade properties which already overlook nearby rear yards, gardens, and windows. The view from the proposed windows are considered to be less impactful than the existing views available from the terraces - including the one present at the application site. While this application does not seek to extend the terrace, a condition has been added to ensure that the flat roof element of the proposal is not used as one going forward.
- 8.5.4 Officers do not consider that the proposal will have a significant impact on the nearby properties' access to light. The rear yards on Grand Parade are already significantly overshadowed due to the number of tenements present and the narrowness of the yards; and the proposal is not considered to have a significant impact on 1 Eddystone Terrace's light. Any additional overshadowing is likely to affect the service lane, with perhaps the occasional slight overshadowing of the toe-end of 1 Eddystone Terrace's garden. This overshadowing is not considered to be harmful however, with the property's rear windows and the majority of the garden unaffected.
- 8.5.5 Officers also do not consider that the proposal will lead to any significant issues of massing or the creation of a significant overbearing presence. While the distance between the end of the extension and 1 Eddystone Terrace's rear elevation will be just under 11m (with the ideal distance being 12m as detailed in Figure 23 of the SPD), Officers consider that this distance is acceptable due to the more built-up nature of the rear lane area generally and the fact that the proposal is likely to blend in with the existing mass of the adjoined two-storey tenements that it will partly extend. Officers consider that the tower-like structure at 46 Grand Parade is likely to have more of a massing impact due to its height than what is proposed here - despite the proposal being closer to the rear boundary.
- 8.5.6 Taking the above into account, Officers consider that the proposal will be, on balance, acceptable from a neighbour amenity perspective.

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

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

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. The proposal will lead to the creation of a Document M-compliant wet room, making the property more accessible as a result.

13. Conclusions and Reasons for Decision

The proposed extension is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations. It is considered that policies DEVI and DEV20 will be accorded with and therefore conditional approval is recommended.

14. Recommendation

In respect of the application dated 22.01.2021 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

Proposed Plans and Elevations J289 - 15-01 Rev B received 15/03/21
Existing Plans and Elevations J289 - 10-01 - received 13/01/21

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 FOR
 ADDITION OF WINDOWS**

Notwithstanding the provisions of Article 3 and Class A of Part 1 of 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 windows shall be inserted into the north-facing rear elevation of the tenement extension hereby approved.

Reason:

In order to prevent loss of privacy to neighbouring dwellings in accordance with JLP Policy DEVI and the NPPF 2019.

4 CONDITION: USE OF FLAT ROOF

The flat roof of the rear tenement extension hereby approved shall not be used as an extension to the existing roof terrace.

Reason:

To protect the residential amenity of neighbouring properties and to avoid conflict with Policy DEVI 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: 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.